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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

GINGER KATHRENS, et al.,	)	Case No. 3:18-cv-01691-MO
	)	
Plaintiffs,	)	<b>SECOND DECLARATION OF</b>
	)	<b>WILLIAM N. LAWTON IN SUPPORT</b>
v.	)	<b>OF PLAINTIFFS' AMENDED</b>
	)	<b>APPLICATION FOR AN AWARD OF</b>
DAVID BERNHARDT, et al.,	)	<b>FEES, COSTS, AND EXPENSES</b>
	)	
Defendants.	)	

I, William N. Lawton, declare as follows:

1. I am an attorney admitted to practice law in the State of Oregon and in this Court. I make this declaration based upon my own personal knowledge and if called upon to testify, could and would do so competently.

2. I am submitting this declaration in support of the amended application by Ginger Kathrens, The Cloud Foundation, American Wild Horse Campaign, Animal Welfare Institute,

and Carol Walker (collectively, “Plaintiffs”) for an award of costs, attorneys’ fees, and other expenses under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. § 2412, in the above-captioned case. Plaintiffs are prevailing parties in this case, which alleged that the Bureau of Land Management (“BLM”) violated Plaintiffs’ rights under the First Amendment to the U.S. Constitution, violated the Wild Free-Roaming Horses and Burros Act (“Wild Horse Act”), and violated the National Environmental Policy Act (“NEPA”) and Administrative Procedure Act (“APA”) in unreasonably limiting the public’s right to observe and document experiments that BLM planned to perform to sterilize wild horses.

3. Plaintiffs The Cloud Foundation, American Wild Horse Campaign, and Animal Welfare Institute are non-profit organizations, as defined by 26 U.S.C. § 501(c)(3), with fewer than 500 employees. Plaintiffs Ginger Kathrens and Carol Walker are individuals whose net worth is less than \$2,000,000. Each of these entities and individuals has submitted declarations attesting to these facts that are filed along with Plaintiffs’ EAJA application. *See* Kathrens Decl. ¶¶ 2–3; Liss Decl. ¶ 6; Roy Decl. ¶ 2; Walker Decl. ¶ 2. Therefore, Petitioners are eligible for attorneys’ fees under EAJA. *See* 28 U.S.C. § 2412(d)(2)(B).

4. Although I am a member of the Oregon bar and litigate complex environmental, open government, and related public interest cases in many federal appellate and trial courts around the United States, I am also a member of the D.C. Bar and practice law in Washington, D.C. for the public interest law firm Eubanks & Associates, PLLC (“E&A”) where I am a Senior Associate. Prior to July 1, 2019, I was an Associate for the public interest law firm Meyer Glitzenstein & Eubanks LLP (“MGE”), which is a predecessor firm to Eubanks & Associates, LLC and which shared the same type of nation-wide practice.

5. Throughout this litigation (as well as during the similar case that Plaintiffs filed in 2016 before BLM abandoned its original decision to spay wild mares), I served as lead counsel for Plaintiffs. Although my mother passed away during the course of preliminary injunction briefing in late 2018—which necessitated assistance from several other attorneys at my law firm to whom I delegated discrete tasks—I have served as lead counsel, with full responsibility and authority, including exercising billing judgment, throughout this litigation.

6. Throughout this litigation, pursuant to our institutional billing policies my colleagues and I have contemporaneously compiled the hours spent litigating this matter.<sup>1</sup> I attach our firm’s time records to this declaration as **Exhibit A** (time spent at MGE), **Exhibit B** (time spent at E&A prior to the fee stage), and **Exhibit C** (time spent at E&A during the fee stage), with the exception of fee counsel David Becker and David Bahr, whose time records are attached to their respective declarations. **Exhibit D** to my declaration includes a record of Plaintiffs’ costs and other expenses incurred at MGE, and **Exhibit E** to my declaration includes a record of Plaintiffs’ costs and other expenses incurred at E&A. Pursuant to this Court’s August 4, 2020 Order, Plaintiffs are not seeking compensation for time spent or costs incurred between the Court’s entry of the preliminary injunction in this case and the dismissal of this case, and the corresponding entries in the attached exhibits are documented using the ~~striketrough~~ tool.

<sup>1</sup> Plaintiffs are not seeking compensation for the time I spent on this case during the week of my mother’s passing. During that time, I spent time on emails with attorneys in my firm to ensure that they had access to, and understanding of, my detailed notes regarding the claims in this litigation and were properly using the framework I provided to generate a high-quality preliminary injunction motion and supporting materials, as well as reviewing drafts of the materials before they were filed. However, due to the need to attend to family issues and due to distraction associated with grief, I did not contemporaneously track this time. Accordingly, while I estimate that I may have spent roughly five to ten hours during that week on this case, Plaintiffs are not seeking compensation for that time, which underscores the reasonableness of the amount Plaintiffs are seeking and reinforces that no unnecessarily duplicative work was conducted during this litigation.

7. Throughout this case, I have exercised professional judgment in recording time and reviewing time recorded by other attorneys and law clerks at our firm, including by eliminating any unnecessarily duplicative entries. As lead counsel, I have also reviewed the work of all other attorneys and law clerks that have worked on this case and have reviewed their time records prior to preparing this declaration. After carefully reviewing my time entries for this case, as well as the entries for my co-counsel and law clerks, it is my professional opinion that the total amount of time Plaintiffs seek through this petition is extremely reasonable given the amount of work performed and the excellent result obtained.

8. My co-counsel and I are entitled to market rates above the EAJA statutory rate because of our unique expertise and experience in environmental law and litigation, administrative law, and federal courts practice. The specialized knowledge and skills I possess were necessary for this case and were not available to Plaintiffs at the EAJA rate. In fact, because all of Plaintiffs' attorneys who participated in this case practice in larger, more costly legal markets—Washington, D.C.—the Portland market rates sought by Plaintiffs in this case are eminently reasonable given that courts often award Plaintiffs' counsel and comparable attorneys far higher market rates in the markets where these lawyers physically reside and routinely practice.

### **QUALIFICATIONS**

9. I obtained a Bachelor of Arts degree in English, *cum laude*, from Pomona College in 2006. I obtained both my J.D., *magna cum laude*, in 2013 and my LL.M. in Environmental Law, *summa cum laude*, from Lewis & Clark Law School, where I earned many distinctions such as a Certificate in Environmental and Natural Resources Law (as well as a Certificate in Intellectual Property Law) and the Dean's Scholarship for Excellence, and served for two years

as the Form & Style Editor and as a board member of the Animal Law Review. While obtaining these two law degrees, I completed various clerkships and externships relevant to my current legal specialties, including as a Law Clerk for the U.S. Department of Justice's Environmental Enforcement Section, a Law Clerk for Earthrise Law Center at Lewis & Clark Law School, and an Energy Fellow at the Green Energy Institute at Lewis & Clark Law School. After obtaining my LL.M., I spent one year as a Staff Attorney at the Green Energy Institute at Lewis & Clark Law School.

10. I have been an active member of the State Bar of Oregon since 2014, and I am admitted to practice law in the U.S. District Court for the District of Oregon and the U.S. Court of Appeals for the Ninth Circuit. I am also an active member in the following jurisdictions: the District of Columbia Bar; the U.S. District Court for the District of Columbia; the U.S. Court of Appeals for the District of Columbia Circuit; the U.S. District Court for the Western District of New York; the U.S. District Court for the Eastern District of Wisconsin, and the U.S. Court of Appeals for the Sixth Circuit. I have also been admitted to practice *pro hac vice* in various federal district courts throughout the country.

11. I am Senior Associate for the public interest law firm Eubanks & Associates, LLC and prior to that was an Associate at the predecessor public interest law firm Meyer Glitzenstein & Eubanks LLP. Founded in 1993, MGE—and now E&A—is a law firm that litigates complex environmental, animal, open government, and other related matters in federal courts around the country for conservation, scientific, and other public interest organizations and individuals. MGE hired me as an Associate in 2015, and I was promoted to the position of Senior Associate at E&A in 2019.

12. During my 7 years of practice, I have developed expertise in environmental and public interest litigation, administrative law and process, trial and appellate court practice and procedure, fee recovery, and also client counseling. I have been lead counsel or co-counsel in many federal cases raising complex legal issues, including actions in various federal district and appellate courts. Listed below are notable, representative cases in which I have served as lead counsel or co-counsel, which demonstrate the variety of federal environmental laws and agency decisions on which I have successfully worked for clients:

- *People for the Ethical Treatment of Animals v. U.S. Dep't of Agric.*, 918 F.3d 151 (D.C. Cir. 2019) (reversing district court's dismissal of FOIA case concerning the U.S. Department of Agriculture's removal of online records pertaining to animal welfare laws)
- *Oak Ridge Environmental Peace Alliance v. Perry*, 412 F. Supp. 3d 786 (E.D. Tenn. 2019) (vacating several Department of Energy decisions and environmental analyses under NEPA and the APA for failing to adequately examine the seismic risks associated with storage and use of nuclear materials at a national security facility in Tennessee)
- *Ctr. for Biological Diversity v. Bernhardt*, No. 3:18-cv-359-MO, Minute Order (D. Or. June 11, 2019) (Mosman, J.) (granting summary judgment for plaintiffs concerning their challenges under the Endangered Species Act and APA to the U.S. Fish and Wildlife Service's refusal to list the Streaked horned lark)
- *Nev. Ass'n of Counties v. U.S. Dep't of Interior*, 868 F. App'x 407 (9th Cir. 2017) (dismissing challenge by counties seeking to compel BLM to permanently remove wild horses from federal public lands in Nevada under the APA)
- *Am. Wild Horse Pres. Campaign v. Zinke*, 1:16-cv-1-ELJ, 2017 WL 4349012 (D. Idaho 2017) (vacating the decision in BLM's Jarbidge Resource Management Plan to sterilize an entire wild horse herd in Idaho)
- *Western Rangeland Conservation Ass'n v. Zinke*, 265 F. Supp. 3d 1267 (D. Utah 2017) (successfully defending BLM's plan for managing wild horse populations in Utah as an intervenor against claims seeking to compel the agency to remove horses from public and private lands)
- *Kathrens v. Jewell*, 2:16-cv-1650-SI (D. Or. Sept. 9, 2016) (Simon, J.) (jointly dismissing challenge to wild horse spay experiments after BLM voluntarily vacated its decision in response to the filing of a lawsuit and preliminary injunction motion)

13. My cases, including the non-exhaustive list provided above, have routinely involved NEPA, the APA, and federal wildlife laws including the Wild Horse Act and the Endangered Species Act, as well as many other federal statutes and regulations aimed at environmental conservation, animal welfare and protection, open government, public health, and consumer safety. Central to my practice as an environmental litigator is a comprehensive understanding of administrative law, including the APA and FOIA.

14. I note in particular that I have litigated many cases concerning the legality of BLM's wild horse management techniques and programs, which have routinely involved claims brought under the Wild Horse Act, NEPA, and the APA. Several of those successful cases are described above, and I am also actively involved in four other wild horse cases (excluding this matter)—one in the D.C. Circuit, one in the U.S. District Court for the Eastern District of California, one in the U.S. District Court for the District of Utah, and one in the U.S. District Court for the District of Columbia. Our firm—which has a nationally recognized specialization in environmental, wildlife, and related public interest litigation matters—has an especially distinguished track record in wild horse litigation in federal courts around the country. Since 2011, our firm has secured a legal victory or favorably settled fourteen separate wild horse lawsuits in the D.C. Circuit, the Tenth Circuit, the Ninth Circuit, and various federal district courts located within those circuits. During that same time frame, our firm has lost only one wild horse case (although one is currently pending on appeal in the D.C. Circuit). Accordingly, it is well established within the environmental law community that our firm and its attorneys are preeminent legal experts on wild horse management issues and the relevant legal issues that arise in this context under the Wild Horse Act, NEPA, the First Amendment, and the APA.

15. I have been an invited speaker at conferences on environmental law and public interest litigation issues. I have also been invited to guest lecture on environmental law topics at Harvard Law School and Georgetown Law School. I have also published articles on topics in environmental law, including one that won an award from the American Bar Association Public Lands Section. *See* William N. Lawton, *Utah's Transfer of Public Lands Act: Demanding a Gift of Federal Lands*, 16 Vt. J. Env'tl. L. 1 (2014).

16. As explained in more detail below, Plaintiffs are seeking rates of \$320-\$385 per hour for my time spent in this matter. These are reasonable rates for an attorney of my experience and specialized expertise in environmental law and litigation, and in wild horse legal issues in particular. These rates are far lower than the market rates charged in my home jurisdiction of Washington, D.C. by attorneys of comparable skill and expertise.

#### **OTHER COUNSEL**

17. As lead counsel in this action, I have supervised or been closely involved in our firm's legal and other staffing decisions throughout this case. In this section, I will briefly describe co-counsel who assisted with the litigation.

18. **Elizabeth L. Lewis (J.D. 2015)** is an Associate at E&A. Prior to this role, she was an Associate for MGE after completing a highly selective one-year Knauss Marine Policy Fellowship at the National Oceanic and Atmospheric Administration. During law school—where Ms. Lewis graduated *summa cum laude* and was inducted into the Order of the Coif—Ms. Lewis focused her coursework, clerkships, and legal training on environmental, wildlife, and administrative law, and worked for Oceana, the Environmental Law Institute, EPA's Office of Administrative Law Judges, NOAA General Counsel's International Section, and MGE. Since graduating law school, Ms. Lewis has spent her career litigating complex environmental,



wildlife, public lands, administrative, and other public interest cases in federal courts around the country. Ms. Lewis has won or favorably settled several lawsuits as lead counsel, including a groundbreaking victory in a challenge to the U.S. Forest Service's artificial elk feeding program in the Bridger-Teton National Forest (which unnecessarily spreads disease among the Jackson elk herd). *See Western Watersheds Proj. v. Christiansen*, 348 F. Supp. 3d 1204 (D. Wyo. 2018). Ms. Lewis is lead counsel in another wild horse case against BLM that is currently being briefed on appeal in the D.C. Circuit. Ms. Lewis teaches Marine and Coastal Environmental Law, as well as the Environment and Energy Law Research Seminar, at American University Washington College of Law, and she has published a law review article on environmental law topics.

19. As explained in more detail below, Plaintiffs are seeking rates of \$265 per hour for time spent by Ms. Lewis in this matter. These are reasonable rates for an attorney of her experience and specialized expertise in environmental law and litigation. These rates are far lower than the normal market rates charged in her home jurisdiction of Washington, D.C. by attorneys of comparable skill and expertise.

20. **William S. Eubanks II (J.D. 2007)** is the Owner & Managing Attorney at E&A, and prior to that role he was a name Partner at MGE. Mr. Eubanks has compiled a distinguished track record in environmental and administrative law, with a particular emphasis on complex appellate and trial court litigation in public lands, wildlife, and natural resources matters. He has won dozens of federal cases, including multiple appeals in both the D.C. Circuit and the Tenth Circuit. Among his many notable litigation victories, Mr. Eubanks has been involved in thirteen of our firm's fourteen wild horse legal victories and thus is widely considered a leading expert on wild horse management issues, in addition to his specialty in NEPA, Wild Horse Act, and APA

matters (among other legal areas). As Owner & Managing Attorney at E&A, Mr. Eubanks has served as lead counsel or co-counsel in essentially all of the nearly three dozen successful cases listed on our firm's representative case list (plus many other cases not included on that list), which is attached as an exhibit to Mr. Eubanks' declaration. Mr. Eubanks has received numerous distinctions such as the 2019 Law360 Rising Star in Environmental Law award which recognizes the top five environmental attorneys under age 40 in the nation. He has also taught advanced environmental law courses at George Washington University School of Law, American University's Washington College of Law, and Vermont Law School, and he has co-authored and published an environmental law textbook and has also published more than a dozen law review articles on environmental and administrative law topics.

21. As explained in more detail below, Plaintiffs are seeking rates of \$370-\$430 per hour for time spent by Mr. Eubanks in this matter. These are reasonable rates for an attorney of his experience and specialized expertise in environmental law and litigation, and in wild horse legal issues in particular. These rates are far lower than the market rates charged in the Washington, D.C. market where he regularly practices by attorneys of comparable skill and expertise.

22. **Katherine A. Meyer (J.D. 1976)** is the Director of the Harvard Law School Animal Law and Policy Clinic. Prior to this role, Ms. Meyer served as a founding Partner of MGE for 26 years, after a distinguished public interest litigation tenure at Public Citizen Litigation Group and then the public interest law firm Harmon, Curran, & Gallagher. Ms. Meyer, along with her long-time law partner Eric Glitzenstein, is widely recognized as a pioneer in the environmental, animal, open government, and related public interest law fields, and has obtained numerous distinctions such as the 2013 Kerry Rydberg Award for Environmental Activism

(along with Mr. Glitzenstein), as well as being consistently selected a “Top Attorney” by *The Washington Post Magazine*. In her illustrious 44-year legal career, Ms. Meyer has been lead counsel or co-counsel in hundreds of federal lawsuits and she has won myriad precedent-setting cases in federal appellate and trial courts throughout the country, including the seminal D.C. Circuit standing case that successfully established Article III standing for individuals challenging the treatment of captive wildlife. *See Animal L. Def. Fund v. Glickman*, 154 F.3d 426 (D.C. Cir. 1998 (en banc)). With a longstanding focus on captive animal welfare and wildlife protection, Ms. Meyer has litigated dozens of cases involving the Wild Horse Act and other federal wildlife laws, as well as numerous cases involving NEPA and the APA. Ms. Meyer served as lead counsel or co-counsel in more than half of the fourteen successful wild horse cases brought by our firm since 2011. In addition to her stellar litigation record, Ms. Meyer has testified before Congress on a variety of public interest topics, and is a frequent featured speaker at environmental and animal law conferences. In addition to her current role directing the Harvard Animal Law and Policy Clinic, Ms. Meyer previously taught Civil Litigation and Public Interest Advocacy at Georgetown University Law Center.

23. As explained in more detail below, Plaintiffs are seeking rates of \$665-\$675 per hour for time spent by Ms. Meyer in this matter. These are reasonable rates for an attorney of her experience and specialized expertise in environmental law and litigation, and in wild horse legal issues in particular. These rates are far lower than the market rates charged in her home jurisdiction of Washington, D.C. by attorneys of comparable skill and expertise.

24. **Eric R. Glitzenstein (J.D. 1981)** is the Director of Litigation at the Center for Biological Diversity. Prior to this role, Mr. Glitzenstein served as a founding Partner of MGE for 26 years, after a distinguished public interest litigation tenure at Public Citizen Litigation Group

and then the public interest law firm Harmon, Curran, & Gallagher, following his clerkship for the Honorable Thomas Flannery in the U.S. District Court for the District of Columbia. Mr. Glitzenstein, along with his long-time law partner Ms. Meyer, is widely recognized as a pioneer in the environmental, animal, open government, and related public interest law fields, and has obtained numerous distinctions such as the 2013 Kerry Rydberg Award for Environmental Activism (along with Ms. Meyer). In his 39-year legal career, Mr. Glitzenstein has been lead counsel or co-counsel in hundreds of federal lawsuits and he has won precedent-setting cases in federal appellate and district courts throughout the country. He has also argued three cases in the U.S. Supreme Court. With a longstanding focus on environmental and wildlife protection, Mr. Glitzenstein has litigated dozens of cases involving federal wildlife laws, as well as numerous cases involving NEPA and the APA. In addition to his extensive litigation record, Mr. Glitzenstein has testified before Congress on a variety of public interest topics, and is a frequent featured speaker at environmental and animal law conferences. Mr. Glitzenstein previously taught Civil Litigation and Public Interest Advocacy at Georgetown University Law Center, and has published law review articles on environmental and administrative law topics.

25. As explained in more detail below, Plaintiffs are seeking a rate of \$655 per hour for time spent by Mr. Glitzenstein in this matter. This is a reasonable rate for an attorney of his experience and specialized expertise in environmental law and litigation. This rate is far lower than the market rate charged in his home jurisdiction of Washington, D.C. by attorneys of comparable skill and expertise.

### **Outside Consultants**

26. Because our firm had not previously litigated attorney fees in the District of Oregon, I also engaged the services of two respected public interest attorneys who practice

primarily in this Court—**David Becker (J.D. 1999) and David Bahr (J.D. 1990)**—to provide advice and guidance on this Court’s practices and precedents involving EAJA awards, along with declaration testimony in support of Plaintiffs’ application for costs, fees, and other expenses under EAJA. Securing the advice and recommendations of these experienced practitioners saved significant time (and therefore cost to the Defendants) for preparing this application. Each of these attorneys describes their qualifications in their separate declarations filed concurrently with Plaintiffs’ amended EAJA application. Attorney time for service as fee counsel is recoverable, as is time for counsel who serve as moot court panelists. *Winterrowd v. Am. Gen. Annuity Ins. Co.*, 556 F.3d 815, 823–24 (9th Cir. 2009) (attorney time spent in a consulting role that is an “integral part of the litigation process” is recoverable); *Pollinator Stewardship Council v. EPA*, 2017 WL 3096105, \*13 (9th Cir. June 27, 2017) (“attorneys reasonably spent significant time conducting two moot courts in preparation for oral argument in a case as important as this one”); *Or. Natural Desert Ass’n v. Bureau of Land Mgmt.*, 223 F. Supp. 3d 1147, 1155 (D. Or. 2016) (award for fee declarants).

### **Law Clerks**

27. Through our law firm, Plaintiffs also benefitted from the efforts of a student law clerk named Katrina Tomacek. This clerk—who devoted her law school coursework, clerkships, and training to public interest environmental and administrative law—assisted Plaintiffs’ counsel in this matter with legal research at my direction.

28. Because of the public interest nature of our law firm, our corresponding limited budget for overhead, and the consequent lack of any paralegal or administrative assistant, attorneys must sometimes conduct tasks that would ordinarily be performed by a paralegal or administrative assistant in a larger firm setting. I have extensively reviewed all of our firm’s time

reports in this matter, and have identified certain tasks performed by attorneys for which Plaintiffs are only seeking at paralegal/law clerk rates (rather than the applicable attorney's Portland market rates). These time entries are detailed in **Exhibit F** to this declaration.

29. As explained in more detail below, Plaintiffs are seeking rates of \$175 per hour for time spent by paralegals and law clerks in this matter, as well as time spent by attorneys that would have been handled by a paralegal or law clerk in a larger firm setting. These are reasonable rates for paralegals and law clerks in the Portland market. These rates are lower than the normal market rates charged in our firm's home jurisdiction of Washington, D.C. by paralegals and law clerks of comparable skill and expertise.

#### **HOURS REQUESTED**

30. As noted, pursuant to our firm's institutional billing policies, my co-counsel and I contemporaneously compiled the time that we each spent litigating this action. Those time records prior to the fee litigation stage are attached as **Exhibit A** and **Exhibit B** to this declaration. Our firm's time records related to this fee litigation to date are attached to this declaration as **Exhibit C**. Throughout this case, I have exercised professional billing judgment in recording my time and in reviewing time records entered by all of my co-counsel in this litigation. In carefully reviewing all of our firm's time records in preparing this fee petition, I eliminated or reduced time spent on, among other things, media work, any unnecessarily duplicative work, FOIA requests related to the claims at issue, review of records released by BLM under FOIA, and other tasks. I note that although some such work may be compensable, Plaintiffs are willing to forgo seeking recovery for this time as part of this fee litigation. As explained above, I reduced certain tasks performed by our firm's attorneys which were necessary to the case, but which, in a larger firm, are ordinarily performed by paralegals or law clerks, to

the paralegal/law clerk rate of \$175 per hour. Moreover, I have not charged for purely clerical tasks. As explained, E&A does not have a paralegal or other administrative assistant, but we do sometimes retain student law clerks. Time entries that are excluded from the fee petition or for which Plaintiffs seek recovery at a reduced rate are redacted (using the ~~striketrough~~ tool) and annotated in red in the timesheets provided in **Exhibits A–C**, and are additionally detailed in **Exhibit F**. Likewise, time excluded under this Court’s August 4, 2020 Order are documented using the ~~striketrough~~ tool in these exhibits. Likewise, time entries excluded under this Court’s August 4, 2020 Order are also documented separately in **Exhibit G**.<sup>2</sup>

31. Importantly, Plaintiffs are not seeking to recover for any time spent on the first lawsuit they brought in 2016 challenging essentially the same BLM action to experiment on wild mares using ovariectomy via colpotomy. *See Kathrens v. Jewell*, 2:16-cv-1650-SI (D. Or. Sept. 9, 2016). In that case, Plaintiffs—a collection of limited-resource non-profit organizations and individuals—had to spend considerable resources hiring our firm to analyze potential legal claims; draft and file a Complaint; prepare a preliminary injunction motion, memorandum in support, and many supporting exhibits; and negotiate the dismissal of that case once BLM agreed to vacate its decision. In total, Plaintiffs’ counsel and law clerks spent nearly 175 hours in that lawsuit—and incurred tens of thousands of dollars in litigation-related expenses—which Plaintiffs are not seeking to recover in this fee litigation even though applicable precedent indicates that at least some, if not all, of that time is compensable because it reduced the amount of time spent developing nearly identical legal claims in the Complaint and successful preliminary injunction briefing in this lawsuit. The fact that Plaintiffs reasonably could seek—but are not seeking—to recover for this substantial amount of time (and costs) underscores the

<sup>2</sup> For example, Plaintiffs are not seeking to recover for the 0.59 hours Mr. Lawton spent on 10/9/18 booking travel arrangements for the preliminary injunction hearing.

eminent reasonableness of the fee application filed by Plaintiffs, especially since BLM forced Plaintiffs to unnecessarily litigate a substantially similar action after withdrawing it once before in response to Plaintiffs' preliminary injunction motion.

32. Plaintiffs are also not seeking recovery for the substantial time spent on this matter—cumulatively resulting in more than 100 hours discussing legal strategy, reviewing drafts of pleadings, and preparing lead counsel for oral argument—by Plaintiffs' in-house attorneys, including Brieanah Schwartz (American Wild Horse Campaign), Johanna Hamburger (Animal Welfare Institute), Nadia Adawi (Animal Welfare Institute), and Bethany Cotton (Animal Welfare Institute). This further reinforces the reasonableness of Plaintiffs' fee application.

33. I have carefully reviewed the contemporaneous time records in this matter entered by all of Plaintiffs' attorneys and law clerks. To date, after applying significant billing discretion, “no charging” many otherwise compensable tasks, and applying certain reductions—and not including any time spent between the entry of the preliminary injunction and the dismissal of this case, pursuant to this Court's Order of August 4, 2020—for purposes of the fee application each timekeeper has spent the following amount of time on this case<sup>3</sup>:

- Mr. Lawton: 224.19 hours
- Mr. Eubanks: 85.68 hours
- Ms. Lewis: 72.10 hours
- Ms. Meyer: 23.54 hours
- Mr. Glitzenstein: 2.67 hours

<sup>3</sup> Because Plaintiffs' counsel will spend additional time preparing their reply in support of their fee application, Plaintiffs will update their final number of hours spent and costs and expenses incurred (and thus the total amount sought in the fee application) in their reply brief.



- Paralegal/Law Clerks (or Attorneys billed at paralegal/law clerk rates): 11.09 hours
- Mr. Lawton time related to travel, reduced by 50% (\$160 per hour reduced from \$320 per hour): 9.0 hours

34. In my professional judgment as lead counsel throughout this lawsuit, the amount of time spent by Plaintiffs' counsel successfully litigating this case is extremely reasonable under the circumstances, and, in fact, likely resulted in far less time than would otherwise have been spent on this matter due to the development of nearly identical preliminary injunction briefing in the earlier case against BLM before it withdrew the previous spay decision. In my experienced opinion, the time sought for recovery in this matter is not unnecessarily duplicative, related to purely clerical tasks, or otherwise non-compensable. In fact, because Plaintiffs are not seeking hundreds of hours of compensable time—including any time for Plaintiffs' in-house attorneys or any time related to the first lawsuit in which counsel initially developed the legal theories successfully applied to this case—it is my view that Plaintiffs' fee application is eminently reasonable under the circumstances, and further underscores the appropriateness of a fully compensatory award in the amount sought.

### **HOURLY RATES**

35. In the Ninth Circuit, the EAJA rate of \$125 per hour is adjusted upward to account for cost-of-living increases since 1996. Based on this calculation, that court publishes the “Statutory Maximum Rates Under the Equal Access to Justice Act” on its website.<sup>4</sup> *See also Thangaraja v. Gonzales*, 428 F.3d 870, 876–77 (9th Cir. 2005) (describing how to calculate cost-

<sup>4</sup> U.S. Court of Appeals for the Ninth Circuit, *Statutory Maximum Rates Under the Equal Access to Justice Act*, [https://www.ca9.uscourts.gov/content/view.php?pk\\_id=0000000039](https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000039) (last visited Mar. 12, 2020).

of-living increases using CPI-U data from the Bureau of Labor Statistics). The rates over the last several years are: \$201.60 for 2018; \$205.25 for 2019; and \$206.77 for the first half of 2020.

36. In addition to the cost-of-living adjustment, EAJA provides that a court may award enhanced rates if a “special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.” 28 U.S.C. § 2412(d)(2)(A). In the Ninth Circuit, enhanced rates are justified if three requirements are satisfied: “First, the attorney must possess distinctive knowledge and skills developed through a practice specialty. Secondly, those distinctive skills must be needed in the litigation. Lastly, those skills must not be available elsewhere at the statutory rate.” *Love v. Reilly*, 924 F.2d 1492, 1495 (9th Cir. 1991). The Ninth Circuit recognizes that “[e]nvironmental litigation is an identifiable practice specialty that requires distinctive knowledge.” *Id.*

37. All of Plaintiffs’ attorneys for which recovery is sought—myself included—possess the distinctive knowledge and specialized skills necessary to claim a practice specialty in environmental and natural resources law and litigation, as described in detail above. All of Plaintiffs’ counsel have worked exclusively in this field since starting their respective legal careers. All of Plaintiffs’ counsel have handled numerous important public interest environmental lawsuits in federal trial and appellate courts around the county involving the application of NEPA, the APA, Wild Horse Act, and other relevant statutes. This case required our firm’s attorneys’ particularized knowledge of these statutes as they apply to wild horse management. It is indisputable not only that Plaintiffs’ counsels’ particularized knowledge and expertise was indispensable to the excellent results obtained, but also that counsels’ exceptionally deep knowledge in this subject matter and legal specialty significantly reduced the

amount of time required to successfully litigate this case resulting in substantial efficiencies for Plaintiffs throughout this lawsuit.

38. In light of their distinctive knowledge and skills, and their reputation and expertise, the requested rates for Plaintiffs' counsel—which, once again, are significantly lower than the actual rates charged by attorneys of comparable skill and experience in the jurisdictions where these counsel actually reside and practice law—are as follows:

ATTORNEY	YEAR	RATE	YEARS OF EXPERIENCE
Mr. Lawton	2020	\$385	7
	2019	\$330	6
	2018	\$320	5
Mr. Eubanks	2020	\$430	13
	2019	\$385	12
	2018	\$370	11
Ms. Lewis	2018	\$265	3
Ms. Meyer	2019	\$675	43
	2018	\$665	42
Mr. Glitzenstein	2018	\$655	38

39. Since I started practicing environmental law in 2013, I have become familiar with the work and billing practices of many attorneys who practice environmental law in the Pacific Northwest and throughout the districts that make up the Ninth Circuit, as well as in other federal circuits. I regularly review relevant court decisions, undertake my own independent research, and correspond with colleagues regarding the market rates for lawyers with similar skill and

experience. In preparing this declaration and fee application, I have also consulted extensively with federal environmental law practitioners who practice exclusively or primarily in this Court (including David Becker and David Bahr) to further inform my understanding of reasonable rates in the Portland market for attorneys of comparable skill, expertise, and particularized knowledge. I have also reviewed the most recent Oregon State Bar Survey, including the mean rates and ranges for environmental law work in the Portland market.

40. Based on my work on and review of this case, and my personal knowledge of attorney billing practices in the Portland market, I believe that the hourly rates listed above are very reasonable for attorneys of comparable skill and experience for this type of case in Portland, Oregon. If anything, the rates Plaintiffs are requesting are somewhat below Portland market rates that are charged by attorneys of comparable skill and experience. And, as explained above, the rates sought by Plaintiffs in this matter are far below the rates charged by attorneys of comparable skill and experience in the Washington, D.C. market where Plaintiffs' counsel maintain their offices and practice law. Indeed, the rates sought in this litigation are below the rates that our firm routinely utilizes in fee negotiation with the U.S. Department of Justice, which frequently results in settlements awarding substantial recovery of fees and costs by our clients in public interest litigation.

41. When the amount of time reasonably spent in this case is applied to the reasonable hourly rates sought, it results in a total attorneys' fees (including paralegal/law clerk fees) amount of \$168,588.80, as depicted below. The hours reflected in the table below do not include any hours which Plaintiffs have excluded from the fee petition due to billing judgment—which are detailed in **Exhibit F**—and the table separately presents time for which Plaintiffs seek compensation at a paralegal rate or at a rate reduced by 50%.

<b>Attorney</b>	<b>Year</b>	<b>Rate</b>	<b>Hours</b>	<b>Amount Claimed</b>
Mr. Lawton	2020	\$385	103.28	\$39,762.80
	2019	<del>\$330</del>	<del>71.73</del>	<del>\$23,670.90</del>
	2018	\$320	120.91	\$38,691.20
Mr. Eubanks	2020	\$430	52.65	\$22,639.50
	2019	<del>\$385</del>	<del>6.21</del>	<del>\$2,390.85</del>
	2018	\$370	33.03	\$12,221.10
Ms. Lewis	2018	\$265	72.10	\$19,106.50
Ms. Meyer	2019	<del>\$675</del>	<del>7.95</del>	<del>\$5,336.25</del>
	2018	\$665	23.54	\$15,654.10
Mr. Glitzenstein	2018	\$655	2.67	\$1,748.85
Mr. Becker	2020	\$525	20.00	\$10,500.00
Mr. Bahr	2020	\$555	8.80	\$4,884.00
Paralegal Time		\$175	11.09	\$1,940.75
50% Deducted Time	2018	\$160 (reduced from \$320)	9.00	\$1,440.00
<b>TOTAL HOURS AND AMOUNT</b>			<b>457.07</b>	<b>\$168,588.80</b>

### **COSTS AND OTHER EXPENSES**

42. As detailed in **Exhibit D** and **Exhibit E** to this declaration, Plaintiffs seek \$3,399.52 for copying, postage, filing fees, and other recoverable costs and expenses. These costs and other expenses are reasonable, were necessary for the preparation of Plaintiffs' case, and are typical of the types of costs that are routinely charged to clients in everyday practice. Plaintiffs' counsel regularly recover for such costs and expenses through fee negotiation with the U.S. Department of Justice and/or through fee litigation in federal courts.

**CONCLUSION**

43. As documented above, Plaintiffs are entitled to recovery of \$168,588.80 in attorneys' fees and \$3,399.52 in costs and expenses, for a total award for costs, fees, and other expenses of \$171,988.32.

44. I attest that all of the information submitted to the Court in support of Plaintiffs' fee application is accurate.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 17th day of August, 2020.

Respectfully submitted,

/s/ William N. Lawton  
William N. Lawton

Counsel for Plaintiffs

**LIST OF EXHIBITS TO LAWTON DECLARATION**

• Exhibit A: Time Reports from Meyer Glitzenstein & Eubanks, LLP.....	24
• Exhibit B: Time Reports from Eubanks & Associates, LLC – before fee phase.....	41
• Exhibit C: Time Reports from Eubanks & Associates, LLC – fee phase.....	55
• Exhibit D: Cost and Expense Report from Meyer Glitzenstein & Eubanks, LLP.....	84
• Exhibit E: Cost and Expense Report from Eubanks & Associates, LLC.....	87
• Exhibit F: Time Excluded from Fee Application or Sought at Reduced Rates.....	89
• Exhibit G: Time Excluded from Fee Application Under Court Order.....	92

Exhibit A:

Time Reports from Meyer Glitzenstein & Eubanks, LLP



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Selection Criteria				
Slip.Classification	Open			
User.Selection	Exclude: Office			
Slip.Slip Type	Time			
Clie.Selection	Include: AWHC-Burns Spay Experiment; AWI - Burns Spay Experiment; Cloud - Burns Spay Experiment			
Date	User	Description	Hours	
<u>User: BE</u>				
9/18/2018	BE	Call with NL re: legal strategy and timeline for reviewing litigation docs	0.45	
9/20/2018	BE	Reviewing draft complaint; emailing revised version to NL with my edits and recommendations	2.59	
9/20/2018	BE	Call with NL to discuss standing issues and other strategy questions for complaint	0.32	
9/21/2018	BE	Call with NL to discuss logistics and strategy for filing complaint and subsequent PI motion	0.44	
9/23/2018	BE	Talking with KM about division of labor on PI motion and memo	0.25	
9/24/2018	BE	Drafting APA argument section (4 hours, 53 min); emailing to LL to incorporate into opening PI brief (5 min)	4.97	
9/24/2018	BE	Emailing KM, LL< and BS re: strategy, timeline, and division of labor on PI briefing	0.30	
9/24/2018	BE	Reviewing decision document, EA, FONSI, and other relevant background materials in preparation of drafting PI arguments under the APA	2.44	
9/25/2018	BE	Continued drafting of APA arguments (last two subsections) (7 hour, 14 min); emailing to co-counsel (5 min)	7.32	
9/26/2018	BE	Call with DOJ lawyers re: case and timing (30 min); preparing and filing two summonses (35 min); calling and emailing process server for US Atty in Oregon (40 min); emailing with clients and co-counsel re: various matters in this case including conveying DOJ's position (1 hour, 40 min)	3.42	

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Date	User	Description	Hours
9/27/2018	BE	Reviewing and revising draft motion and draft memo for preliminary injunction, and emailing revised version to LL and KM	3.30
10/2/2018	BE	Emailing with NL re PHV motion	0.37
10/4/2018	BE	Reviewing and revising draft request for a PI hearing	0.25
10/11/2018	BE	Reviewing letter re: observation and advising NL re: edits	0.37
10/25/2018	BE	Reviewing and revising draft reply brief (2 hour, 15 min); emailing suggested edits to NL (10 min)	2.42
10/26/2018	BE	Call with Nick re: IBLA delay and exhibit to reply brief	0.20
10/30/2018	BE	Reviewing spay PI briefs in advance of moot court discussion with NL	1.84
10/31/2018	BE	Moot court discussion with NL re: upcoming oral argument on PI motion	1.09
11/2/2018	BE	Call with NL to discuss PI victory and the court hearing	0.27
11/8/2018	BE	Reviewing draft opp to DOJ's motion to stay entry of PI order, and emailing edits to NL	0.42
<del>11/29/2018</del>	<del>BE</del>	<del>Call with NL and KM to discuss next steps with litigation in light of IBLA decision</del>	<del>0.75</del>
<del>11/30/2018</del>	<del>BE</del>	<del>Reviewing detailed email to clients re: options for proceeding vs. settling and providing input</del>	<del>0.40</del>
<del>2/1/2019</del>	<del>BE</del>	<del>Reviewing DOJ's email re: new NEPA document, conferring with NL re: same by phone, reviewing draft email to DOJ re: same, reviewing draft email to clients re: same</del>	<del>0.92</del>
<del>3/18/2019</del>	<del>BE</del>	<del>Reviewing govt's settlement offer (10 min); emailing NL and then talking by phone about next steps in light of offer (25 min)</del>	<del>0.59</del>
<del>3/21/2019</del>	<del>BE</del>	<del>Call with Nick and DOJ lawyer about potential dismissal settlement</del>	<del>0.40</del>

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Date	User	Description	Hours
<del>5/2/2019</del>	<del>BE</del>	<del>Reviewing draft MTD and sending suggested edits in revised version to NL</del>	<del>1.37</del>
<del>5/24/2019</del>	<del>BE</del>	<del>Reviewing revised opp to MTD, and two other related documents; sending all back to NL with edits</del>	<del>0.59</del>
<del>5/30/2019</del>	<del>BE</del>	<del>Call with NL to discuss DOJ proposal and request for written assurance re: 2018 claims</del>	<del>0.42</del>
<del>6/12/2019</del>	<del>BE</del>	<del>Reviewing opp to stay and reply to MTD, and talking to NL about next steps and strategy</del>	<del>0.92</del>
<del>6/14/2019</del>	<del>BE</del>	<del>Discussing strategy re: stay reply with NL and KM</del>	<del>0.45</del>
Total: BE			<del>39.84</del> 33.03
User: EG			
10/31/2018	EG	Prepare for argument discussion with NL etc.; have discussion	2.67
Total: EG			2.67
User: KM			
9/12/2018	KM	discussion of new spay case	0.42
9/13/2018	KM	review of email to clients re new spay litigation	0.17
9/14/2018	KM	meeting with clients re new spay case; discussion with NL re same	1.34
9/20/2018	KM	Discussions with NL re Complaint and claims	0.67
9/24/2018	KM	review of complaint in prep for PI drafting; and reviewing notes from NL re same	0.83
9/25/2018	KM	Review of Roy Decl; sending email to AWI re need for Declaration	0.50
9/26/2018	KM	Work on PI memo - drafting declarations; editing APA section; drafting introduction	6.50
10/2/2018	KM	discussions with NL	0.25

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	Date	User	Description	Hours
	10/19/2018	KM	Discussion with NL re reply brief and whether to include supplemental declarations	0.42
	10/22/2018	KM	Discussion with NL re Reply; reading briefs to help with reply	1.67
	10/24/2018	KM	Review and edit of reply brief - merits only	3.17
	10/25/2018	KM	Review and edit of reply brief - equities; discussion with NL re same	3.00
	10/25/2018	KM	Review and edit of reply brief - equities; discussion with NL re same	1.50
	10/31/2018	KM	Prep for and doing moot court	1.92
	11/5/2018	KM	REview of proposed order granting PI; discussions with NL re same	0.50
Billing Judgment	11/6/2018	KM	<del>editing Letter re water catchments; review of 2009 HMAP to find citation for same</del>	0.59
	11/7/2018	KM	discussions with NL re gov't offer of settlement and dismissal	0.34
	11/9/2018	KM	discussion with NL re oppotion to government motion to stay	0.34
	<del>11/29/2018</del>	<del>KM</del>	<del>Discussion with NL re response to govt withdrawing</del>	<del>0.50</del>
	<del>12/10/2018</del>	<del>KM</del>	<del>Conference call with clients re next steps; and discussion with NL re same; review of email to DOJ re settlement (10 min)</del>	<del>1.00</del>
	<del>1/28/2019</del>	<del>KM</del>	<del>Discussion with NL re status and relief</del>	<del>0.34</del>
	<del>1/31/2019</del>	<del>KM</del>	<del>review of materials; discussion with law clerk</del>	<del>0.50</del>
	<del>2/1/2019</del>	<del>KM</del>	<del>discussion with NL re gov't response to settlement; reviewing complaint re options for moving forward, etc.</del>	<del>0.59</del>
	<del>3/21/2019</del>	<del>KM</del>	<del>review of completing settlement offers; discussion with NL; call with clients;</del>	<del>1.09</del>
	<del>4/1/2019</del>	<del>KM</del>	<del>reading gov't MTD and discussing with co-counsel</del>	<del>0.75</del>

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Date	User	Description	Hours
<del>5/1/2019</del>	<del>KM</del>	<del>Review and edit of opposition to motion to dismiss</del>	<del>2.42</del>
<del>5/15/2019</del>	<del>KM</del>	<del>Review of draft EA docs; discussion with NL and BE re how to proceed with both present case (25 min) and new challenge</del>	<del>1.92</del>
<del>6/17/2019</del>	<del>KM</del>	<del>Discussion with NL and BE re status and our positio</del>	<del>0.34</del>
Total: KM			<del>32.08</del> 23.54

User: Lizzie Lewis

9/13/2018	LL	Call with Nick to discuss upcoming PI including logistics of drafting complaint, basics of potential claims (1st Amendment, APA, NEPA)	0.22
9/14/2018	LL	Call to discuss spay litigation, which claims to bring in PI, logistics, declarations (w/ clients, Nick, and Kathy)	1.13
9/18/2018	LL	PI chat with Nick re: drafting logistics and research help for 1st amendment claims (20 min); chat with Nick re: APA claims - discuss strengths and weaknesses of argument (10 min)	0.50
9/24/2018	LL	Discuss how to proceed with drafting PI motion with Kathy (15 min); review decision document (Final EA) and complaint filed on Friday, as well as PI motion from 2016 case (1.5 hr)	1.75
9/25/2018	LL	Begin to work on background section and 1st amendment argument for PI motion	4.00
9/26/2018	LL	Continue drafting background and 1st amendment section of PI motion (8 hr); combine intro, APA, and my portions into full brief draft and work on editing and citations (rest)	9.00

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Date	User	Description	Hours
9/27/2018	LL	<del>Continue to work on draft PI memo, adding in equities argument and making citations uniform, compiling list of exhibits and editing down to page limit (4 hr); receive and incorporate Bill's edits, work on getting down to page limit after added standing allegations (3 hr); receive and work on incorporating Kathy's edits (2.5 hr); send to clients; draft motion to accompany memo (30 min)</del>	<del>10.00</del>
		4 Hours Claimed at Paralegal Rate - See Ex. F	6.00
9/28/2018	LL	Finalize brief by incorporating Nick's and clients' edits (2 hr); <del>work on compiling exhibit list and exhibits (4 hr); file P!!!!</del>	<del>6.00</del> 2.00
10/9/2018	LL	research re: first amendment and filming public officers in ninth circuit	2.50
10/15/2018	LL	Read gov't brief (2 hr); talked about arguments and responses with Nick (1.5 hr); research re: 1st amendment claim, how ninth cir applies narrowly tailored test, how cir applies logic prong (2 hr)	5.50
10/16/2018	LL	continued research re: 1st amendment claim ; responses to gov't arguments	5.00
10/17/2018	LL	continued research re: 1st amendment claim; responses to gov't arguments; surreplies in the 9th cir	4.00
10/18/2018	LL	continued research re: 1st amendment claim ; responses to gov't arguments; surreplies; gov't cases cited in irreparable harm arg; finalize research for talk with Nick on Friday	5.00
10/19/2018	LL	meet with nick to discuss research and next steps in drafting reply	1.50
10/19/2018	LL	begin drafting APA sections of reply	2.00
10/22/2018	LL	continue drafting APA sections of reply	6.50
10/23/2018	LL	continue drafting APA sections of reply	7.50
10/30/2018	LL	research re: forum analysis and how to combat gov't arguments if they raise at oral argument (e.g., doesn't apply, strict scrutiny is appropriate test)	5.00

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Date	User	Description	Hours
10/31/2018	LL	Call with Nick, Eric, Bill, and Kathy to discuss PI hearing on Friday (1.15); research re: impact of IBLA appeal on fed ct proceeding (1.5 hr); email to nick re: applicability of forum analysis (1st amendment test) (15 min)	3.00
Total: Lizzie Lewis			<del>80.10</del> 72.1

User: NLawton

9/12/2018	NL	discussing PI strategy with KM and EG	1.00
9/13/2018	NL	emailing clients with assessment	0.17
9/13/2018	NL	drafting case assessment for clients	2.00
9/13/2018	NL	reviewing decision docs	1.25
9/13/2018	NL	reviewing decision docs	0.75
9/13/2018	NL	reviewing decision docs	1.25
9/14/2018	NL	reviewing decision docs in prep for call	0.50
9/14/2018	NL	discussing claims with KM	0.25
9/14/2018	NL	sending decision docs to LL	0.08
9/14/2018	NL	preparing for call with clients	0.25
9/14/2018	NL	call with clients	1.34
9/14/2018	NL	emailing cost estimate to clients	0.17
9/17/2018	NL	discussing PI issues with Brieanah	0.08
9/18/2018	NL	reviewing documents	1.50
9/18/2018	NL	reviewing docs	0.75
9/18/2018	NL	discussing observation issues with Brieanah	0.25
Billing Judgment 9/18/2018	NL	retainer drafting and revision	0.75

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	Date	User	Description	Hours
	9/18/2018	NL	drafting complaint	2.25
	9/19/2018	NL	drafting complaint	2.00
	9/19/2018	NL	drafting complaint	2.00
	9/19/2018	NL	drafting complaint	2.00
	9/19/2018	NL	drafting complaint	1.50
	9/20/2018	NL	revising draft complaint	2.42
	9/20/2018	NL	research into case law	0.34
	9/20/2018	NL	revising complaint	0.50
	9/20/2018	NL	case law research	0.50
	9/21/2018	NL	revising complaint and researching potential awa claim	2.00
	9/21/2018	NL	drafting PI brief - background	1.50
	9/21/2018	NL	case law research - APA	0.67
Billing Judgment	<del>9/21/2018</del>	<del>NL</del>	<del>reviewing media releases</del>	<del>0.25</del>
	9/21/2018	NL	emailing government re: PI	0.34
	9/21/2018	NL	drafting corporate disclosure statement	0.34
Billing Judgment	<del>9/21/2018</del>	<del>NL</del>	<del>finalizing and filing complaint</del>	<del>0.67</del>
	9/21/2018	NL	case law research - APA	0.75
	9/21/2018	NL	case law research - APA	1.00
	9/22/2018	NL	drafting PI memo - background	2.00
	9/22/2018	NL	drafting PI memo - background	2.00
	9/28/2018	NL	revising PI memo	2.00
	10/2/2018	NL	call with AWI re: Hope McKalip declaration	0.08



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	Date	User	Description	Hours
	10/2/2018	NL	drafting proposal for PI hearing schedule	0.17
	10/2/2018	NL	Reviewing docs	1.17
Paralegal Rate: See Ex. F	10/2/2018	NL	<del>preparing Bill's pro hac app</del>	0.50
	10/2/2018	NL	gathering and reviewing spay PI briefs	0.75
	10/3/2018	NL	email to clients regarding timing of spay experiment	0.08
	10/4/2018	NL	drafting request for hearing	0.25
	10/9/2018	NL	discussing argument strategy with LL	0.34
	10/9/2018	NL	drafting observation request email & emailing clients re: same	0.25
	10/9/2018	NL	emailing clients re: spay hearing	0.17
Billing Judgment	<del>10/9/2018</del>	<del>NL</del>	<del>booking travel</del>	<del>0.59</del>
	10/10/2018	NL	emails to clients re: spay hearing	0.17
	10/10/2018	NL	emailing clients re: spay hearing	0.25
	10/10/2018	NL	calls to opposing counsel re: potential witnesses at hearing	0.42
	10/11/2018	NL	reviewing spay docs	0.34
	10/11/2018	NL	drafting observation request	0.59
	10/12/2018	NL	revising observation request	0.50
	10/16/2018	NL	drafting reply - APA	1.50
	10/16/2018	NL	drafting reply - First Am	2.00
	10/18/2018	NL	drafting reply - First Am	2.00
	10/19/2018	NL	drafting reply - first amendment	3.00
	10/19/2018	NL	drafting reply - first amendment	3.00
	10/19/2018	NL	drafting reply - first amendment	3.00

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Date	User	Description	Hours
10/20/2018	NL	drafting reply - first amendment	3.00
10/20/2018	NL	drafting reply - first amendment	3.00
10/21/2018	NL	drafting reply - APA observation limits	2.50
10/22/2018	NL	revising spay PI reply	2.00
10/22/2018	NL	drafting reply - social acceptability	1.50
10/22/2018	NL	drafting reply - APA - CSU	3.00
10/22/2018	NL	drafting reply - APA - social acceptability	3.00
10/23/2018	NL	revising reply - APA sections	1.00
10/23/2018	NL	revising reply	0.75
10/23/2018	NL	revising reply	2.00
10/23/2018	NL	revising reply	2.00
10/24/2018	NL	revising McKalip Supplemental. Decl	0.42
10/24/2018	NL	revising reply	2.50
10/24/2018	NL	revising reply	2.00
10/25/2018	NL	revising reply	1.58
10/25/2018	NL	revising reply	1.34
10/26/2018	NL	revising reply	1.67
10/26/2018	NL	revising reply	2.25
Paralegal Rate: Ex. F 10/26/2018	NL	finalizing and filing reply brief	1.00
50% Rate: Ex. F 10/30/2018	NL	travel for hearing	3.00
10/30/2018	NL	preparing for hearing	2.00
10/31/2018	NL	preparing for hearing	3.00

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	Date	User	Description	Hours
	10/31/2018	NL	preparing for hearing	3.00
	10/31/2018	NL	preparing for hearing	3.00
	11/1/2018	NL	preparing for hearing	3.00
	11/1/2018	NL	preparing for hearing	3.00
	11/1/2018	NL	preparing for hearing	3.00
	11/2/2018	NL	hearing	1.50
	11/2/2018	NL	preparing for hearing	2.00
50% Rate: See Ex. F	<del>11/3/2018</del>	<del>NL</del>	<del>travel back from hearing</del>	<del>6.00</del>
	11/5/2018	NL	drafting proposed order	2.00
Paralegal Rate: Ex. F	<del>11/7/2018</del>	<del>NL</del>	<del>finalizing and filing proposed order</del>	<del>0.25</del>
	11/7/2018	NL	calling and emailing government and clients regarding BLM dropping experiments	0.50
Paralegal Rate: Ex. F	<del>11/8/2018</del>	<del>NL</del>	<del>finalizing and filing opposition to motion to stay entry of order</del>	<del>0.17</del>
	11/8/2018	NL	drafting opposition to motion to stay entry of proposed order	1.25
	11/9/2018	NL	call with clients to discuss litigation options	0.42
	<del>11/20/2018</del>	<del>NL</del>	<del>reviewing proposed motions for extension and clarification</del>	<del>0.34</del>
	<del>11/29/2018</del>	<del>NL</del>	<del>emailing clients regarding IBLA decision</del>	<del>0.25</del>
	<del>11/29/2018</del>	<del>NL</del>	<del>reviewing IBLA ruling dismissing BLM decision record and discussing options with BE &amp; KM</del>	<del>1.00</del>
	<del>11/30/2018</del>	<del>NL</del>	<del>drafting options email for clients</del>	<del>1.50</del>
	<del>12/3/2018</del>	<del>NL</del>	<del>Reviewing BLM emails regarding status of case, discussing with BE, and emailing clients re: same</del>	<del>0.75</del>
	<del>12/10/2018</del>	<del>NL</del>	<del>preparing for call re: options moving forward</del>	<del>0.34</del>

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Date	User	Description	Hours
<del>12/10/2018</del>	<del>NL</del>	<del>drafting settlement proposal</del>	<del>0.92</del>
<del>12/10/2018</del>	<del>NL</del>	<del>call with clients re: options moving forward</del>	<del>0.75</del>
<del>1/22/2019</del>	<del>NL</del>	<del>emailing government re: plans for experiment</del>	<del>0.17</del>
<del>1/28/2019</del>	<del>NL</del>	<del>emails with opposing counsel re shutdown and sche</del>	<del>0.25</del>
<del>1/30/2019</del>	<del>NL</del>	<del>review of JSR and email to clients</del>	<del>0.17</del>
<del>2/1/2019</del>	<del>NL</del>	<del>reviewing email from government regarding new decisions, discussing with BE, and emailing clients and government re: same</del>	<del>0.50</del>
<del>2/8/2019</del>	<del>NL</del>	<del>reviewing BLM letter re: settlement</del>	<del>0.25</del>
<del>2/11/2019</del>	<del>NL</del>	<del>emailing clients re: potential settlement</del>	<del>0.25</del>
<del>2/11/2019</del>	<del>NL</del>	<del>reviewing AWHC FOIA results</del>	<del>0.25</del>
<del>2/11/2019</del>	<del>NL</del>	<del>reviewing docs regarding new decision</del>	<del>0.25</del>
<del>2/11/2019</del>	<del>NL</del>	<del>discussing possible settlement with BE</del>	<del>0.17</del>
<del>2/11/2019</del>	<del>NL</del>	<del>reviewing government settlement letter and drafting email in response</del>	<del>0.67</del>
<del>2/15/2019</del>	<del>NL</del>	<del>reviewing new decision and emailing clients re: sam</del>	<del>1.00</del>
<del>3/6/2019</del>	<del>NL</del>	<del>call with Brieanah re: new decision comments</del>	<del>0.34</del>
<del>3/6/2019</del>	<del>NL</del>	<del>drafting email to clients re: negotiations with govt.</del>	<del>0.42</del>
<del>3/13/2019</del>	<del>NL</del>	<del>reviewing draft comments on new decision</del>	<del>1.00</del>
<del>3/15/2019</del>	<del>NL</del>	<del>drafting proposed settlement</del>	<del>1.00</del>
<del>3/15/2019</del>	<del>NL</del>	<del>drafting proposed settlement</del>	<del>0.50</del>
<del>3/18/2019</del>	<del>NL</del>	<del>reviewing government settlement proposal and emailing clients</del>	<del>0.25</del>
<del>3/21/2019</del>	<del>NL</del>	<del>discussing settlement prospects with government attorney</del>	<del>1.17</del>
<del>3/21/2019</del>	<del>NL</del>	<del>discussing settlement prospects with clients</del>	<del>0.17</del>

10/22/19  
5:56 PMMeyer Glitzenstein Eubanks LLP  
Attorneys Fees for the Court - Split Combined

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Date	User	Description	Hours
<del>3/21/2019</del>	<del>NL</del>	<del>discussing government spay settlement proposal with KM and BE</del>	<del>0.17</del>
<del>4/1/2019</del>	<del>NL</del>	<del>emailing government re: timeline</del>	<del>0.17</del>
<del>4/1/2019</del>	<del>NL</del>	<del>call with clients regarding motion to dismiss</del>	<del>0.42</del>
<del>4/1/2019</del>	<del>NL</del>	<del>research into voluntary cessation caselaw</del>	<del>0.67</del>
<del>4/4/2019</del>	<del>NL</del>	<del>calls with govt. re: MTD opposition extension</del>	<del>0.25</del>
<del>4/5/2019</del>	<del>NL</del>	<del>emails and calls with BS re: new spay study</del>	<del>1.34</del>
<del>4/23/2019</del>	<del>NL</del>	<del>reviewing new decision to return horses and emailing to clients</del>	<del>0.67</del>
<del>4/26/2019</del>	<del>NL</del>	<del>reviewing MTD</del>	<del>0.34</del>
<del>4/26/2019</del>	<del>NL</del>	<del>drafting MTD opposition</del>	<del>1.50</del>
<del>4/26/2019</del>	<del>NL</del>	<del>drafting MTD opposition</del>	<del>1.50</del>
<del>4/29/2019</del>	<del>NL</del>	<del>drafting MTD opposition</del>	<del>1.09</del>
<del>4/29/2019</del>	<del>NL</del>	<del>drafting MTD opposition</del>	<del>2.00</del>
<del>4/29/2019</del>	<del>NL</del>	<del>drafting MTD opposition</del>	<del>2.75</del>
<del>5/2/2019</del>	<del>NL</del>	<del>revising MTD opposition</del>	<del>0.08</del>
<del>5/7/2019</del>	<del>NL</del>	<del>editing Koncel declaration for MTD Opp.</del>	<del>0.59</del>
<del>5/7/2019</del>	<del>NL</del>	<del>discussing new spay EA and motion to dismiss with opposing counsel</del>	<del>0.25</del>
<del>5/7/2019</del>	<del>NL</del>	<del>revising MTD Opp and sending to clients</del>	<del>0.42</del>
<del>5/9/2019</del>	<del>NL</del>	<del>extension motion drafting</del>	<del>0.34</del>
<del>5/13/2019</del>	<del>NL</del>	<del>reviewing new draft EA</del>	<del>1.50</del>
<del>5/14/2019</del>	<del>NL</del>	<del>drafting extension request for comments</del>	<del>0.42</del>
<del>5/14/2019</del>	<del>NL</del>	<del>spay EA press release review</del>	<del>0.08</del>

10/22/19  
5:56 PMMeyer Glitzenstein Eubanks LLP  
Attorneys Fees for the Court - Split Combined

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Date	User	Description	Hours
<del>5/14/2019</del>	<del>NL</del>	<del>drafting extension request for spay EA comments</del>	<del>0.75</del>
<del>5/14/2019</del>	<del>NL</del>	<del>call with BS re spay EA comments</del>	<del>1.00</del>
<del>5/14/2019</del>	<del>NL</del>	<del>discussing spay comment period issue with BE</del>	<del>0.25</del>
<del>5/14/2019</del>	<del>NL</del>	<del>reviewing new draft EA</del>	<del>0.67</del>
<del>5/14/2019</del>	<del>NL</del>	<del>reviewing new draft EA</del>	<del>0.75</del>
<del>5/15/2019</del>	<del>NL</del>	<del>revising and sending extension letter</del>	<del>0.25</del>
<del>5/15/2019</del>	<del>NL</del>	<del>discussing new spay EA with KM and BE</del>	<del>1.00</del>
<del>5/15/2019</del>	<del>NL</del>	<del>revising extension request</del>	<del>0.50</del>
<del>5/16/2019</del>	<del>NL</del>	<del>discussing spay comments and declarations with BS</del>	<del>0.50</del>
<del>5/16/2019</del>	<del>NL</del>	<del>reviewing draft EA and outlining comments</del>	<del>1.00</del>
<del>5/17/2019</del>	<del>NL</del>	<del>reviewing EA and scheduling conference call (5 minutes)</del>	<del>0.25</del>
<del>5/17/2019</del>	<del>NL</del>	<del>reviewing draft spay EA</del>	<del>3.25</del>
<del>5/20/2019</del>	<del>NL</del>	<del>drafting comments on new EA</del>	<del>6.00</del>
<del>5/20/2019</del>	<del>NL</del>	<del>call with clients re: spay EA PI prospects</del>	<del>1.00</del>
<del>5/20/2019</del>	<del>NL</del>	<del>"related" case research for spay EA</del>	<del>0.50</del>
<del>5/21/2019</del>	<del>NL</del>	<del>calls with local practitioners re: "related" cases</del>	<del>0.50</del>
<del>5/21/2019</del>	<del>NL</del>	<del>drafting comments</del>	<del>5.25</del>
<del>5/21/2019</del>	<del>NL</del>	<del>drafting comments</del>	<del>0.75</del>
<del>5/22/2019</del>	<del>NL</del>	<del>outlining comments</del>	<del>0.75</del>
<del>5/22/2019</del>	<del>NL</del>	<del>revising Palmer declaration</del>	<del>1.25</del>
<del>5/22/2019</del>	<del>NL</del>	<del>conversation with AWI re: litigation options</del>	<del>0.34</del>

10/22/19  
5:56 PMMeyer Glitzenstein Eubanks LLP  
Attorneys Fees for the Court - Split Combined

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Date	User	Description	Hours
<del>5/22/2019</del>	<del>NL</del>	<del>research into dismissal prospects and emailing clients re: same (0:10)</del>	<del>0.42</del>
<del>5/24/2019</del>	<del>NL</del>	<del>revising MTD opposition</del>	<del>3.00</del>
<del>5/24/2019</del>	<del>NL</del>	<del>drafting Motion to Stay</del>	<del>1.00</del>
<del>5/24/2019</del>	<del>NL</del>	<del>emailing clients re: drafts of MTD opposition and motion to stay</del>	<del>0.25</del>
<del>5/24/2019</del>	<del>NL</del>	<del>emailing clients re: litigation options</del>	<del>0.25</del>
<del>5/29/2019</del>	<del>NL</del>	<del>finalizing and filing (20) MTD opp. and motion to stay</del>	<del>0.75</del>
<del>5/31/2019</del>	<del>NL</del>	<del>emailing clients re: government "offer" on motion to stay</del>	<del>0.50</del>
<del>6/5/2019</del>	<del>NL</del>	<del>discussing comments with BS</del>	<del>0.50</del>
<del>6/10/2019</del>	<del>NL</del>	<del>reviewing and editing draft comments</del>	<del>6.00</del>
<del>6/12/2019</del>	<del>NL</del>	<del>sending comment edits to BS</del>	<del>0.25</del>
<del>6/12/2019</del>	<del>NL</del>	<del>revising MTD reply and stay motion</del>	<del>0.34</del>
<del>6/12/2019</del>	<del>NL</del>	<del>call with BE re: briefs</del>	<del>0.34</del>
<del>6/17/2019</del>	<del>NL</del>	<del>drafting stay reply</del>	<del>2.00</del>
<del>6/18/2019</del>	<del>NL</del>	<del>revising stay reply</del>	<del>0.50</del>
<del>6/21/2019</del>	<del>NL</del>	<del>revising stay reply</del>	<del>1.50</del>
<del>6/21/2019</del>	<del>NL</del>	<del>finalizing and filing stay reply</del>	<del>0.42</del>
<del>6/24/2019</del>	<del>NL</del>	<del>reviewing congress letter</del>	<del>0.17</del>
<del>6/24/2019</del>	<del>NL</del>	<del>discussion with Ginger re: potential other case and advisory board</del>	<del>0.17</del>
Total: NLawton			210.14
			TOTAL: 120.91

User: Para-Katrina

10/22/19  
5:56 PM

Meyer Glitzenstein Eubanks LLP  
Attorneys Fees for the Court - Split Combined

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Date	User	Description	Hours
9/21/2018	KT	Research: Searched for "related case" provisions in all civil rules of the district courts within the 9th circuit. Created a spreadsheet to outline the current status of related cases in all jurisdictions.	2.00
Total: Para-Katrina			2.00
Grand Total			360.83



Exhibit B:

Time Reports from Eubanks & Associates, LLC – before fee phase

# Eubanks & Associates LLC

## Law for the Public Interest

3206 Norwood Court  
Fort Collins, CO 80525  
**Phone:** 9707036060 | **Fax:**

### PRE-BILL

**American Wild Horse Campaign**

<b>Invoice Date</b>	April 14, 2020
<b>Invoice Number</b>	Pre-bill

### Attorney Hours

<del>7/3/2019</del>	<del>Emailing with BS re: question about referring to gelding in spay case</del>	<del>N.L.</del>	<del>.10</del>
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<del>7/15/2019</del>	<del>calls with Joanna re: senate sign on letter</del>	<del>N.L.</del>	<del>.30</del>
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<del>8/8/2019</del>	<del>call with opposing counsel to try to determine schedule for BLM decision</del>	<del>N.L.</del>	<del>.30</del>
<del>8/14/2019</del>	<del>emailing clients re: motion to stay ruling</del>	<del>N.L.</del>	<del>.10</del>
<del>9/4/2019</del>	<del>reviewing Argus Observer piece and emailing clients</del>	<del>N.L.</del>	<del>.25</del>
<del>9/6/2019</del>	<del>emailing government re: upcoming status report</del>	<del>N.L.</del>	<del>.25</del>
<del>9/10/2019</del>	<del>reviewing draft JSR and emailing clients re: same</del>	<del>N.L.</del>	<del>.50</del>
<del>9/13/2019</del>	<del>Reviewing draft joint status report from DOJ and conferring with NL</del>	<del>B.E.</del>	<del>.20</del>

<del>10/23/2019</del>	<del>corresponding re: adding plaintiff</del>	<del>N.L.</del>	<del>.50</del>
<del>10/29/2019</del>	<del>reviewing BLM's previous decision and weather in Burns to consider upcoming JSR</del>	<del>N.L.</del>	<del>.25</del>
<del>11/18/2019</del>	<del>emailing opposing counsel re: upcoming JSR</del>	<del>N.L.</del>	<del>.30</del>
<del>11/19/2019</del>	<del>reviewing draft JSR and emailing clients re: same</del>	<del>N.L.</del>	<del>.20</del>
<del>11/20/2019</del>	<del>emailing clients and opposing counsel re: upcoming JSR</del>	<del>N.L.</del>	<del>.20</del>
<del>11/21/2019</del>	<del>emailing opposing counsel and clients re: upcoming JSR</del>	<del>N.L.</del>	<del>.30</del>

<del>11/22/2019</del>	<del>emailing clients re: upcoming JSR</del>	<del>N.L.</del>	<del>.20</del>
<del>11/22/2019</del>	<del>Reviewing emails re: mares</del>	<del>B.E.</del>	<del>.35</del>
<del>11/25/2019</del>	<del>emailing opposing counsel and clients re: JSR</del>	<del>N.L.</del>	<del>.10</del>
<del>12/23/2019</del>	<del>reviewing government notice, decision record, and emailing clients re: govt notice of new decision to permanently remove 55 horses</del>	<del>N.L.</del>	<del>.25</del>
<del>1/23/2020</del>	<del>emailing opposing counsel re: dismissal and JSR</del>	<del>N.L.</del>	<del>.50</del>
<del>1/24/2020</del>	<del>reviewing government notice and emails in prep for next SR, and emailing clients re: same</del>	<del>N.L.</del>	<del>.30</del>

<del>1/27/2020</del>	<del>emailing opposing counsel re: disposition of horses and upcoming JSR</del>	<del>N.L.</del>	<del>.50</del>
<del>1/27/2020</del>	<del>emailing opposing counsel re: upcoming JSR and prospect that Defendants will ask the Court to lift the existing stay</del>	<del>N.L.</del>	<del>1.00</del>
<del>1/27/2020</del>	<del>Discussing Feds' position in status report with NL (0.35 hours); reviewing NL's draft email to DOJ (0.2 hours)</del>	<del>B.E.</del>	<del>.55</del>
<del>1/28/2020</del>	<del>Reviewing DOJ's email and revised joint status report draft (0.2 hours); emailing with NL re: same (0.1 hours); talking to NL on phone re: same (0.3 hours); reviewing NL's draft back to DOJ and revising (0.55 hours); reviewing NL's draft email to clients (0.2 hours)</del>	<del>B.E.</del>	<del>1.35</del>
<del>1/28/2020</del>	<del>drafting status report position</del>	<del>N.L.</del>	<del>1.50</del>
<del>2/3/2020</del>	<del>reviewing information on horses removed from range and sold for spay</del>	<del>N.L.</del>	<del>.75</del>

<del>2/13/2020</del>	<del>call with opposing counsel re: motion to lift stay</del>	<del>N.L.</del>	<del>.10</del>
<del>2/13/2020</del>	<del>Conferring with NL re: motion to compel hearing and potential for telephonic appearance</del>	<del>B.E.</del>	<del>.25</del>
<del>2/14/2020</del>	<del>reviewing government motion to lift stay and drafting email to clients re: same</del>	<del>N.L.</del>	<del>1.20</del>
<del>2/14/2020</del>	<del>Reviewing motion to lift and conferring with NL re: same (0.85 hours); reviewing and revising NL's draft client email (0.35 hours)</del>	<del>B.E.</del>	<del>1.20</del>
<del>2/14/2020</del>	<del>discussing motion to lift stay, and response, with BE</del>	<del>N.L.</del>	<del>.50</del>
<del>2/14/2020</del>	<del>emailing clients re: government motion to lift stay</del>	<del>N.L.</del>	<del>.25</del>

<del>2/18/2020</del>	<del>research for potential new claim re: PTH</del>	<del>N.L.</del>	<del>1.40</del>
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<del>2/18/2020</del>	<del>preparing for call re: motion to lift stay</del>	<del>N.L.</del>	<del>.90</del>
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<del>2/18/2020</del>	<del>conference call with clients re: motion to lift stay and potential claims</del>	<del>N.L.</del>	<del>.90</del>
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<del>2/19/2020</del>	<del>discussing FOIA re: PTH with BVS</del>	<del>N.L.</del>	<del>.25</del>
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<del>2/19/2020</del>	<del>drafting opposition to motion to lift stay</del>	<del>N.L.</del>	<del>4.00</del>
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<del>2/20/2020</del>	<del>drafting opposition to motion to lift stay</del>	<del>N.L.</del>	<del>4.20</del>
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<del>2/20/2020</del>	<del>Reviewing and revising motion to lift stay (1.05 hours); emailing suggestions to NL (0.15 hours)</del>	<del>B.E.</del>	<del>1.20</del>
<del>2/20/2020</del>	<del>revising opposition to motion to lift stay</del>	<del>N.L.</del>	<del>1.30</del>
<del>2/21/2020</del>	<del>revising PTH FOIA request</del>	<del>N.L.</del>	<del>.40</del>
<del>2/26/2020</del>	<del>revising opposition to motion to lift stay</del>	<del>N.L.</del>	<del>1.30</del>
<del>2/27/2020</del>	<del>revising opposition to motion to lift stay</del>	<del>N.L.</del>	<del>1.25</del>
<del>2/27/2020</del>	<del>reviewing revisions to PTH FOIA request</del>	<del>N.L.</del>	<del>.20</del>

<del>2/27/2020</del>	<del>finalizing opposition to motion to lift stay</del>	<del>N.L.</del>	<del>.50</del>
<del>2/27/2020</del>	<del>filing opposition to motion to lift stay</del>	<del>N.L.</del>	<del>.20</del>
<del>3/9/2020</del>	<del>emailing opposing counsel re: motion to appear by phone</del>	<del>N.L.</del>	<del>.20</del>
<del>3/11/2020</del>	<del>drafting motion to appear by phone</del>	<del>N.L.</del>	<del>.20</del>
<del>3/11/2020</del>	<del>Reviewing motion for leave to appear telephonically and responding to NL</del>	<del>B.E.</del>	<del>.15</del>
<del>3/11/2020</del>	<del>emailing clients re: hearing</del>	<del>N.L.</del>	<del>.10</del>

<del>3/11/2020</del>	<del>verifying delivery of FOIA request re: PTH</del>	<del>N.L.</del>	<del>.20</del>
<del>3/11/2020</del>	<del>reviewing filings to prepare for hearing</del>	<del>N.L.</del>	<del>2.50</del>
<del>3/12/2020</del>	<del>reviewing filings to prepare for hearing</del>	<del>N.L.</del>	<del>3.00</del>
<del>3/13/2020</del>	<del>reviewing government reply in support of motion to lift stay</del>	<del>N.L.</del>	<del>.50</del>
<del>3/13/2020</del>	<del>Reviewing DOJ's spay reply (0.35 hours); talking to NL re: same (0.3 hours)</del>	<del>B.E.</del>	<del>.65</del>
<del>3/13/2020</del>	<del>discussing government reply and declaration, hearing with BE</del>	<del>N.L.</del>	<del>.30</del>

<del>3/16/2020</del>	<del>reviewing proposed NEPA regulations to determine potential impact on new spay proposal</del>	<del>N.L.</del>	<del>.40</del>
<del>3/16/2020</del>	<del>discussing upcoming hearing and new filing with BE</del>	<del>N.L.</del>	<del>.80</del>
<del>3/16/2020</del>	<del>Talking to NL re: strategy for upcoming hearing</del>	<del>B.E.</del>	<del>.50</del>
<del>3/16/2020</del>	<del>reviewing filings to prepare for call and hearing</del>	<del>N.L.</del>	<del>.90</del>
<del>3/16/2020</del>	<del>call to discuss options at hearing</del>	<del>N.L.</del>	<del>.40</del>
<del>3/16/2020</del>	<del>hearing prep</del>	<del>N.L.</del>	<del>2.50</del>

<del>3/17/2020</del>	<del>hearing prep</del>	<del>N.L.</del>	<del>5.70</del>
<del>3/18/2020</del>	<del>Reviewing the MTD and motion to lift briefs from all parties (1.75 hours); taking notes and questions for NL moot (1.1 hours)</del>	<del>B.E.</del>	<del>2.85</del>
<del>3/18/2020</del>	<del>hearing prep</del>	<del>N.L.</del>	<del>6.75</del>
<del>3/19/2020</del>	<del>discussing upcoming hearing with BE</del>	<del>N.L.</del>	<del>1.60</del>
<del>3/19/2020</del>	<del>Moot court and oral argument prep discussion with NL</del>	<del>B.E.</del>	<del>1.50</del>
<del>3/19/2020</del>	<del>Attending oral argument telephonically on motion to lift stay and MTD (0.4 hours); post call debrief with NL (0.5 hours)</del>	<del>B.E.</del>	<del>.90</del>

<del>3/19/2020</del>	<del>hearing prep</del>	<del>N.L.</del>	<del>4.20</del>
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<del>3/19/2020</del>	<del>hearing on motion to dismiss and motion to lift stay</del>	<del>N.L.</del>	<del>.50</del>
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<del>3/20/2020</del>	<del>discussing Mosman ruling with BE and emailing clients re: same</del>	<del>N.L.</del>	<del>.40</del>
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<del>3/26/2020</del>	<del>emailing BLM officers re: PTH FOIA</del>	<del>N.L.</del>	<del>.25</del>
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### Attorney Fees Tallied Table

<del>Bill Eubanks</del>	<del>11.65</del>
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<del>Nick Lawton</del>	<del>58.90</del>
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Exhibit C:

Time Reports from Eubanks & Associates, LLC – fee phase

# Eubanks & Associates LLC

## Law for the Public Interest

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### PRE-BILL

**American Wild Horse Campaign**

**Invoice Date**

August 17, 2020

**Invoice Number**

### Attorney Hours

3/24/2020	fee recovery research	N.L.	2.95
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3/25/2020	drafting analysis of fees options	N.L.	.70
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3/25/2020	Reviewing draft email to clients and revising (0.4 hours); discussing same with NL (0.2 hours); reviewing time entries and expenses and emailing NL relevant financials (0.35 hours)	B.E.	.95
3/25/2020	emailing clients re: fee recovery prospects	N.L.	.20
3/26/2020	discussing fee recovery strategy with BE	N.L.	.20
3/30/2020	emailing re: fees claims	N.L.	.25
3/30/2020	discussing fee recovery strategy with BE	N.L.	.30
3/30/2020	Talking fee petition strategy with NL	B.E.	.30

<del>3/30/2020</del>	<del>Emailing AWHC re: financial arrangement for fee litigation</del> Billing Judgment	<del>B.E.</del>	<del>1.12</del>
<del>3/31/2020</del>	<del>Reviewing time and expense reports in response to AWHC's question about fee recovery (0.5 hours); drafting and sending detailed email to AWHC (0.65 hours)</del> Billing Judgment	<del>B.E.</del>	<del>1.15</del>
<del>4/1/2020</del>	<del>emailing BE and clients re: estimate for fees litigation</del> Billing Judgment	<del>N.L.</del>	<del>.30</del>
4/1/2020	Reviewing NL's draft email re: fee recovery and sending revised version to NL	B.E.	.32
4/1/2020	discussing fee recovery with BE	N.L.	.20
4/1/2020	Discussing with NL fee litigation timing and strategy	B.E.	.20

<del>4/1/2020</del>	<del>Further emails with AWHC re: fee litigation logistics</del>	<del>B.E.</del>	<del>.25</del>
	Billing Judgment		
4/1/2020	emailing re: fee declarations	N.L.	.20
4/1/2020	Emailing key pleadings, time and expense reports, and detailed background to fee declarants	B.E.	1.84
4/1/2020	Drafting additional legal strategy email to clients re: fee litigation	B.E.	1.06
4/2/2020	emails with fee declarants	N.L.	.20
4/2/2020	Talking to Suzanne by phone re: fee litigation	B.E.	.22

<del>4/5/2020</del>	<del>Drafting and sending clients fee litigation retainer</del> Billing Judgment	<del>B.E.</del>	<del>1.43</del>
<del>4/6/2020</del>	<del>reviewing fee briefing examples</del> Billing Judgment	<del>N.L.</del>	<del>.40</del>
4/6/2020	drafting motion for reconsideration	N.L.	1.70
4/6/2020	discussing time reports with BE	N.L.	.10
4/6/2020	emailing BE re: motion for reconsideration	N.L.	.10
4/6/2020	Reviewing and revising draft motion for reconsideration, and emailing revised version to NL with suggestions and questions	B.E.	.92

4/7/2020	reviewing time and expense reports	N.L.	.50
4/7/2020	revising motion for reconsideration	N.L.	.30
4/7/2020	drafting fee petition	N.L.	2.50
4/7/2020	Answering fee declarant (Dave Bahr) questions about attorney experience and specialization to assist with declaration prep	B.E.	.78
4/7/2020	Responding to detailed questions from fee declarant (Dave Becker) regarding certain time entries and related materials	B.E.	1.45
4/8/2020	drafting fee petition	N.L.	4.25

4/8/2020	emailing opposing counsel re: position on fees and reconsideration	N.L.	.10
4/8/2020	revising fee petition	N.L.	.50
4/8/2020	Responding to emails and questions from fee declarants (Dave Becker and Dave Bahr) to assist them in preparing fee declarations	B.E.	.77
4/8/2020	Drafting lead counsel declaration for NL in support of EAJA petition	B.E.	5.81
4/8/2020	Emailing with NL re: certain background, training, and expertise questions for draft lead counsel declaration in support of EAJA petition	B.E.	.52
4/9/2020	Reviewing and revising draft fee petition motion and supporting memo (1.85 hours); reviewing several cases cited in fee petition memo on WL (0.55 hours)	B.E.	2.40

4/9/2020	revising fee petition	N.L.	.78
4/9/2020	revising reconsideration motion	N.L.	.30
4/9/2020	emailing opposing counsel re: upcoming motions	N.L.	.10
4/9/2020	Continued drafting of lead counsel declaration for NL and reviewing underlying time and cost reports as part of that process	B.E.	4.31
4/9/2020	Reviewing first draft of NL lead counsel declaration and sending to NL for review	B.E.	1.27
4/9/2020	discussing fee petition and declarations with BE	N.L.	.50

4/9/2020	Drafting Glitzenstein declaration in support of EAJA petition, and sending draft to NL for review	B.E.	.55
4/9/2020	Drafting Meyer declaration in support of EAJA petition, and sending draft to NL for review	B.E.	.33
4/9/2020	Drafting Lewis declaration in support of EAJA petition, and sending draft to NL for review	B.E.	.24
4/9/2020	Drafting Eubanks declaration in support of EAJA petition, and sending draft to NL for review	B.E.	1.23
4/9/2020	reviewing declarations in support of fee petition	N.L.	1.00
4/9/2020	Reviewing NL's suggested edits to his lead counsel declaration	B.E.	.37



4/9/2020	reviewing timesheets, identifying entries to exclude from petition or claim at reduced rate, and compiling total fee request	N.L.	2.75
4/9/2020	discussing fee declaration and exhibit issues with BE	N.L.	.20
4/9/2020	revising fee declaration table & emailing to BE	N.L.	.10
4/9/2020	emailing co-counsel and opposing counsel re: government proposal to defer briefing on motion for fees	N.L.	.10
4/9/2020	Discussing with NL further edits and additions to lead counsel declaration in support of fee petition in light of reductions and billing judgment	B.E.	.60
4/9/2020	Emailing draft declarations to KM and EG to review, revise, and sign upon finalization to support EAJA applications	B.E.	.42

4/10/2020	Reviewing draft Bahr declaration for accuracy and incorporating into draft NL lead counsel declaration as to amount of fee award	B.E.	.63
4/10/2020	reviewing Bahr declaration and emailing BE re: same	N.L.	.50
4/10/2020	Incorporating EG edits to his draft declaration and to his portion describing his background in NL's lead counsel declaration	B.E.	.48
4/10/2020	Incorporating LL edits to her declarations and to her portion of NL's lead counsel declaration	B.E.	.36
4/10/2020	Discussing NL Dave Bahr's declaration and Suzanne's AWHC declaration	B.E.	.30
4/10/2020	Preparing representative case list exhibit to support EAJA application	B.E.	.47

4/10/2020	Reviewing and revising Eubanks declaration (0.4 hours); finalizing and signing declaration (0.2 hours)	B.E.	.60
4/10/2020	Drafting fee petition supporting materials	N.L.	3.50
4/10/2020	working on list of successful wild horse cases for supporting fee petition	N.L.	.40
4/10/2020	reviewing and revising motion for reconsideration and fee petition	N.L.	1.00
4/10/2020	Incorporating edits from KM to her draft declaration and to NL's lead counsel declaration as it relates to her background	B.E.	.44
4/10/2020	reviewing and revising my declaration in support of fee petition	N.L.	1.25

4/10/2020	emailing clients re: drafts of fee recovery materials	N.L.	.40
4/10/2020	Reviewing and revising Roy declaration (0.9 hours); reviewing and revising Exhibit A to Roy declaration (0.55 hours)	B.E.	1.45
4/11/2020	Emailing final counsel declarations plus draft Lawton declaration to fee declarants for their review	B.E.	.18
4/12/2020	Responding to fee declarants' emails re: need for client declarations to establish EAJA eligibility of each plaintiff	B.E.	.32
4/13/2020	drafting client declarations	N.L.	2.50
4/13/2020	reviewing and revising Bahr and Becker Declarations	N.L.	1.00

4/13/2020	Reviewing draft Roy declaration (0.45 hours); reviewing draft Walker declaration (0.2 hours); reviewing draft Kathrens declaration (0.35 hours); reviewing draft Liss declaration (0.25 hours)	B.E.	1.25
4/13/2020	Reviewing and revising draft Becker fee declaration	B.E.	.85
4/13/2020	revising plaintiff declarations	N.L.	.40
4/13/2020	emailing clients re: declarations	N.L.	.20
<del>4/13/2020</del>	<del>emailing Carol re: case updates - suggest no charge</del> Billing Judgment	<del>N.L.</del>	<del>.30</del>
4/14/2020	documenting billing judgment in time reports	N.L.	.25

4/15/2020	revising motions and declarations	N.L.	1.00
4/16/2020	Discussing final steps for finalizing declarations and fee petition	B.E.	.50
4/16/2020	revising briefs and declaration	N.L.	1.40
4/16/2020	discussing brief and declaration revisions with BE	N.L.	.50
4/16/2020	Talking to Dana at TCF about EAJA eligibility (0.3 hours); revising Kathrens declaration re: same (0.3 hours); emailing to Dana and Ginger for review (0.1 hours)	B.E.	.70
4/16/2020	Talking to Carol about EAJA eligibility (0.25 hours); revising Kathrens declaration re: same (0.15 hours); emailing to Dana and Ginger for review (0.1 hours)	B.E.	.50

4/16/2020	Revising Suzanne's declaration re: eligibility and other matters (0.4 hours); emailing revised version to NL (0.1 hours)	B.E.	.50
4/16/2020	Reviewing Cathy Liss AWI declaration and revising re: eligibility and other factors (0.35 hours); emailing to NL (0.1 hours)	B.E.	.45
4/16/2020	Reviewing and revising current draft of fee petition to reflect various changes made to declarations	B.E.	.72
4/17/2020	review and revision of briefs and declarations	N.L.	2.00
4/17/2020	final review of time entries	N.L.	1.00
4/17/2020	finalizing and filing fee petition and reconsideration materials	N.L.	.50

4/17/2020	Reviewing fee phase time report and NL's proposed deductions and adjustments to this report for incorporating into final NL lead counsel declaration and fee petition	B.E.	1.04
4/17/2020	Calculating hours times rates to check accuracy of final fee request amount before filing	B.E.	.78
4/17/2020	Final review of fee petition with final fee request numbers incorporated before filing	B.E.	.55
4/23/2020	Discussing with NL response to government's stay request on fee briefing	B.E.	.20
4/27/2020	Reviewing draft consent motion for extension	B.E.	.23
4/27/2020	Reviewing govt's motion to defer briefing (0.15 hours); emailing NL re: same (0.1 hours)	B.E.	.25



4/28/2020	reviewing government motion to defer briefing and related court order	N.L.	.30
4/30/2020	emailing clients re: government motion to defer briefing	N.L.	.25
5/1/2020	drafting opposition to Defendants' motion to defer briefing	N.L.	1.40
5/1/2020	Reviewing and revising draft opp to govt motion to defer briefing	B.E.	.65
5/1/2020	revising opposition to motion to defer briefing and emailing clients re: same	N.L.	.30
5/5/2020	reviewing JH revisions to opposition to government motion to defer briefing	N.L.	.10

5/7/2020	revising opposition to Defendants' motion to defer briefing	N.L.	.30
5/7/2020	filing opposition to defendants' motion to defer briefing on fee application	N.L.	.10
5/13/2020	drafting amended reconsideration motion	N.L.	4.30
5/13/2020	Reviewing and revising amended reconsideration motion and memo	B.E.	1.22
5/14/2020	revising amended reconsideration motion and discussing with BE (0.1)	N.L.	.50
5/14/2020	emailing clients re: amended reconsideration motion	N.L.	.20

5/21/2020	revising amended reconsideration motion	N.L.	.25
5/22/2020	revising amended motion for reconsideration	N.L.	.60
5/22/2020	filing amended motion for reconsideration	N.L.	.20
6/5/2020	Reviewing Feds' opposition to reconsideration and attachments (0.75 hours); chatting with NL re: same (0.2 hours)	B.E.	.95
6/8/2020	reviewing government opposition to amended reconsideration motion and emailing clients re same	N.L.	1.00
6/8/2020	Discussing with NL further legal strategy for our fee entitlement reply	B.E.	.30

6/8/2020	discussing reply brief strategy for amended motion for reconsideration with BE	N.L.	.30
6/8/2020	researching case law cited in government brief and further research into impropriety of government argument	N.L.	4.00
6/8/2020	drafting reconsideration reply	N.L.	3.00
6/9/2020	drafting reconsideration reply	N.L.	7.00
6/10/2020	drafting reconsideration reply	N.L.	7.00
6/11/2020	drafting reply in support of amended reconsideration motion	N.L.	5.25

6/12/2020	Reviewing and revising draft fee entitlement reply (2.2 hours); emailing to NL with suggestions (0.2 hours)	B.E.	2.40
6/13/2020	revising reply on reconsideration	N.L.	1.30
6/17/2020	revising amended reconsideration reply	N.L.	2.75
6/17/2020	discussing reply revision with BE	N.L.	.10
6/18/2020	revising reply in support of reconsideration	N.L.	2.00
<del>6/18/2020</del>	<del>preparing tables for reply brief</del> Billed at Paralegal Rate - Ex. F	<del>N.L.</del>	<del>.50</del>

6/19/2020	final review of reply in support of amended motion for reconsideration	N.L.	1.75
6/19/2020	filing reply in support of amended reconsideration motion	N.L.	.25
8/4/2020	discussing Mosman's fee ruling	N.L.	.50
8/4/2020	Discussing with NL court's fee reconsideration ruling on entitlement	B.E.	.50
8/4/2020	reviewing time entries in preparation for amended fee petition	N.L.	.50
8/4/2020	reviewing time entries for amended fee petition	N.L.	1.00

8/4/2020	drafting email to clients re: Mosman ruling	N.L.	.70
8/4/2020	Further call with NL to discuss next steps and client advice in light of court order on fee entitlement	B.E.	.30
8/4/2020	discussing Mosman's ruling and procedural options with BE	N.L.	.30
8/5/2020	research into effect of partial reconsideration on appeal period	N.L.	.75
8/5/2020	drafting email to opposing counsel re: potential motion for clarification	N.L.	.25
8/5/2020	drafting email to clients re: need to seek clarification	N.L.	.30

8/5/2020	Further legal strategy discussion with NL re: options in light of court's minute order on fee entitlement	B.E.	.40
8/5/2020	drafting detailed advice emails to clients and discussing same with BE	N.L.	1.00
8/5/2020	Reviewing amounts paid to date by clients as part of advising clients on best legal strategy on whether file amended fee motion, a motion for clarification, or both (0.35 hours); revising NL's draft email based on this review (0.15 hours)	B.E.	.50
8/5/2020	emailing clients re: fee litigation options	N.L.	.25
8/7/2020	conversation with Dave Becker re: fee recovery strategy	N.L.	.50
8/7/2020	emailing BVS re: pre-PI time calculations	N.L.	.10



8/7/2020	discussing fees issue and AWHC concerns with BE (0.2) and drafting email to clients (0.4)	N.L.	.60
8/11/2020	Strategy call with NL re: approach to arguments in revised fee application ordered by the court	B.E.	.25
8/11/2020	discussing amended fee petition strategy with BE	N.L.	.25
8/11/2020	drafting amended fee petition	N.L.	6.50
8/12/2020	Reviewing and revising draft amended fee application	B.E.	1.15
8/12/2020	revising amended fee petition (0.5) and supporting materials (1), including review of relevant exhibits and time entries (2)	N.L.	3.25

8/12/2020	call with Dave Bahr re: supplemental declaration	N.L.	.15
8/12/2020	preparing rough draft bahr declaration	N.L.	.50
8/13/2020	reviewing previous filings to determine whether edits are necessary	N.L.	1.00
8/13/2020	Reviewing and revising detailed draft lead counsel declaration for NL to support amended fee petition (0.9 hours); reviewing time reports and checking arithmetic to ensure accurate hourly and financial description in fee request (1.85 hours)	B.E.	2.75
8/14/2020	verifying time entries and arithmetic for EAJA application	N.L.	.60
8/17/2020	revising amended fee petition	N.L.	.50

8/17/2020	Final review of arithmetic and fee petition docs for filing	B.E.	.89
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Total time for NL: 103.28  
Total time for BE: 52.65  
Grand Total: 155.93

Exhibit D:

Cost and Expense Report from Meyer Glitzenstein & Eubanks, LLP

10/22/19  
6:21 PMMeyer Glitzenstein Eubanks LLP  
Attorneys Fees Fee Report - Exp - Split

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Selection Criteria		
Clie.Selection	Include: AWHC-Burns Spay Experiment; AWI - Burns Spay Experiment; Cloud - Burns Spay Experiment	
Slip.Slip Type	Expense	
Date	Description	Amount
<u>Client: Cloud - Burns Spay Experiment</u>		
7/1/2018	Electronic Court records search system	\$5.07
9/1/2018	Westlaw	\$65.52
9/1/2018	Photocopies and/or Printing	\$44.97
9/21/2018	Filing fee	\$399.96
9/26/2018	Postage - Certified Mail Return Receipt Requested to 5 agencies	\$37.47
9/27/2018	Process Server to William, US Attorney for the District - in OR by RUSH Process Service, Inc.	\$94.98
10/1/2018	Westlaw	\$774.66
10/1/2018	Electronic Court records search system	\$4.08
10/1/2018	Photocopies and/or Printing	\$59.67
10/2/2018	Filing fee	\$299.97
10/9/2018	Travel related expenses for NL - Air travel on 10/9/19	\$597.18
10/9/2018	Travel related expenses for NL - Orbitz fee	\$20.97
10/9/2018	Travel related expenses for NL - Delta Airlines for 10/30/18	\$118.17
10/9/2018	Travel related expenses for NL - Delta Airlines for 11/3/18	\$178.77
10/30/2018	Travel related expenses for Nick Lawton	\$529.86
<del>12/1/2018</del>	<del>Photocopies and/or Printing</del>	<del>\$0.39</del>
<del>12/1/2018</del>	<del>Westlaw</del>	<del>\$16.26</del>
<del>1/1/2019</del>	<del>Electronic Court records search system</del>	<del>\$13.29</del>
<del>3/1/2019</del>	<del>Westlaw</del>	<del>\$50.88</del>
<del>3/1/2019</del>	<del>Photocopies and/or Printing</del>	<del>\$0.78</del>
<del>4/1/2019</del>	<del>Westlaw</del>	<del>\$31.65</del>
<del>4/1/2019</del>	<del>Electronic Court records search system</del>	<del>\$4.98</del>
5/1/2019	Westlaw	\$237.00

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Meyer Glitzenstein Eubanks LLP  
Attorneys Fees Fee Report - Exp - Split

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Date	Description	Amount
<del>5/1/2019</del>	<del>Photocopies and/or Printing</del>	<del>\$0.60</del>
<del>6/1/2019</del>	<del>Electronic Court records search system</del>	<del>\$1.77</del>
Grand Total		<del>\$3,588.90</del> \$3,231.30

Exhibit E:

Cost and Expense Report from Eubanks & Associates, LLC

# Eubanks & Associates LLC

Law for the Public Interest  
3206 Norwood Court  
Fort Collins, CO 80525  
Phone: 9707036060 | Fax:

## PRE-BILL – EXPENSE REPORT

American Wild Horse Campaign

Invoice Date: April 02, 2020  
Invoice Number: Pre-bill

### Matter: 1008-1009-1010 Burns Spay Case

#### Costs

<del>1/31/2020</del>	<del>January Westlaw charges</del>	<del>\$38.27</del>
<del>2/29/2020</del>	<del>February Westlaw charges</del>	<del>\$87.58</del>
3/31/2020	March Westlaw charges	\$168.22
<del>TOTAL:</del>		<del>\$294.07</del>

TOTAL: \$168.22



Exhibit F:

Time Excluded from Fee Application or Sought at Reduced Rates

<b>Time Entries Excluded From Fee Petition</b>				
<b>Date</b>	<b>Attorney</b>	<b>Task</b>	<b>Time</b>	<b>Reason for Exclusion</b>
11/16/2018	KM	editing Letter re: water catchments; review of 2009 HMAP to find citation for same	0.59	Incorrectly included in timesheet for case
9/18/2018	NL	retainer drafting and revision	0.75	Billing judgment
9/21/2018	NL	reviewing media releases	0.25	Billing judgment
10/9/2018	NL	booking travel	0.59	Billing judgment
<del>2/11/2019</del>	<del>NL</del>	<del>reviewing AWHC FOIA results</del>	<del>0.25</del>	<del>Billing judgment</del>
<del>5/14/2019</del>	<del>NL</del>	<del>spay EA press release review</del>	<del>0.08</del>	<del>Billing judgment</del>
<del>6/24/2019</del>	<del>NL</del>	<del>reviewing congress letter</del>	<del>0.17</del>	<del>Billing judgment</del>
6/24/2019	NL	discussion with Ginger re: potential other case & advisory board	0.17	Billing judgment
<del>7/3/2019</del>	<del>NL</del>	<del>Emailing with BS re: question about referring to gelding in spay case</del>	<del>0.1</del>	<del>Billing judgment</del>
<del>7/15/2019</del>	<del>NL</del>	<del>calls with Joanna re: senate sign on letter</del>	<del>0.3</del>	<del>Billing judgment</del>
<del>9/4/2019</del>	<del>NL</del>	<del>reviewing Argus Observer piece and emailing clients</del>	<del>0.25</del>	<del>Billing judgment</del>
<del>10/23/2019</del>	<del>NL</del>	<del>corresponding re: adding plaintiff</del>	<del>0.5</del>	<del>Billing judgment</del>
<del>2/3/2020</del>	<del>NL</del>	<del>reviewing information on horses removed from range and sold for spay</del>	<del>0.75</del>	<del>Billing judgment</del>
2/13/2020	BE	Conferring with NL re: motion to compel hearing and potential for telephonic conference	0.25	Incorrectly included in timesheet for this case
2/18/2020	NL	research for potential new claim re: PTH	1.4	Billing judgment
<del>2/19/2020</del>	<del>NL</del>	<del>discussing FOIA re PTH with BVS</del>	<del>0.25</del>	<del>Billing judgment</del>
2/21/2020	NL	revising PTH FOIA request	0.4	Billing judgment
<del>2/27/2020</del>	<del>NL</del>	<del>reviewing revisions to PTH FOIA request</del>	<del>0.2</del>	<del>Billing judgment</del>
<del>3/11/2020</del>	<del>NL</del>	<del>verifying delivery of FOIA request re: PTH</del>	<del>0.2</del>	<del>Billing judgment</del>
<del>3/16/2020</del>	<del>NL</del>	<del>reviewing proposed NEPA regulations to determine potential impact on new spay proposal</del>	<del>0.4</del>	<del>Billing judgment</del>
3/26/2020	NL	emailing BLM officers re: PTH FOIA	0.25	Billing judgment
3/30/2020	BE	Emailing AWHC re: financial arrangement for fee litigation	0.9	Billing judgment
3/31/2020	BE	Reviewing time and expense reports in response to AWHC's question about fee recovery (0.5 hours);	1.15	Billing judgment

		drafting and sending detailed email to AWHC (0.65 hours)		
4/1/2020	NL	emailing BE and clients re: estimate for fee litigation	0.2	Billing judgment
4/1/2020	BE	Further emails with AWHC re: fee litigation logistics	0.25	Billing judgment
4/5/2020	BE	Drafting and sending clients fee litigation retainer	1.43	Billing judgment
4/6/2020	NL	Reviewing fee briefing examples	0.4	Billing judgment
4/13/2020	NL	Emailing Carol re: case updates	0.30	Billing Judgment
<b>TOTAL TIME EXCLUDED FROM FEE PETITION</b>			<b>12.43</b>	<b>7.05</b>

<b>Time Entries Claimed at Reduced Hourly Rates In Fee Petition</b>				
<b>Date</b>	<b>Attorney</b>	<b>Task</b>	<b>Time</b>	<b>Deduction</b>
09/21/2018	NL	finalizing and filing complaint	0.67	Paralegal
9/27/2018	LL	ensuring citation consistency and compiling exhibits	4	Paralegal
9/28/2018	LL	compiling exhibits and filing preliminary injunction motion	4	Paralegal
10/2/2018	NL	preparing Bill's pro hac app	0.5	Paralegal
10/26/2018	NL	finalizing and filing reply brief	1	Paralegal
10/30/2018	NL	travel for hearing	3	50%
11/3/2018	NL	travel back from hearing	6	50%
11/7/2018	NL	finalizing and filing proposed order	0.25	Paralegal
11/8/2018	NL	finalizing and filing opposition to motion to stay entry of order	0.17	Paralegal
<del>5/29/2019</del>	<del>NL</del>	<del>finalizing and filing MTD opp. &amp; motion to stay</del>	<del>0.75</del>	<del>Paralegal</del>
<del>2/27/2020</del>	<del>NL</del>	<del>finalizing opposition to motion to lift stay</del>	<del>0.5</del>	<del>Paralegal</del>
<del>2/27/2020</del>	<del>NL</del>	<del>filing opposition to motion to lift stay</del>	<del>0.2</del>	<del>Paralegal</del>
6/18/2020	NL	preparing tables for reply brief	0.5	Paralegal
<b>TOTAL TIME REDUCED TO PARALEGAL RATES</b>			<b>12.04</b>	<b>11.09</b>
<b>TOTAL TIME REDUCED BY 50%</b>			<b>9</b>	

**Exhibit G:**

**Time Excluded Under Court Order of 8/4/2020**

**Time Entries Excluded Under Court Order of 8/4/2020**

Date	User	Hours
11/29/2018	KM	0.5
12/10/2018	KM	1
1/28/2019	KM	0.34
1/31/2019	KM	0.5
2/1/2019	KM	0.59
3/21/2019	KM	1.09
4/1/2019	KM	0.75
5/1/2019	KM	2.42
5/15/2019	KM	0.34
11/20/2019	NL	0.34
11/29/2018	NL	0.25
11/30/2018	NL	1.5
12/3/2018	NL	0.75
12/10/2018	NL	0.34
12/10/2018	NL	0.92
12/10/2018	NL	0.75
1/22/2019	NL	0.17
1/28/2019	NL	0.25
1/30/2019	NL	0.17
2/1/2019	NL	0.5
2/8/2019	NL	0.25
2/11/2019	NL	0.25
2/11/2019	NL	0.25
2/11/2019	NL	0.7
2/11/2019	NL	0.67
2/15/2019	NL	1
3/6/2019	NL	0.34
3/6/2019	NL	0.42
3/13/2019	NL	1
3/15/2019	NL	1
3/15/2019	NL	0.5
3/18/2019	NL	0.25
3/21/2019	NL	1.17
3/21/2019	NL	0.17
3/21/2019	NL	0.17
4/1/2019	NL	0.17
4/1/2019	NL	0.42
4/1/2019	NL	0.67
4/4/2019	NL	0.25
4/5/2019	NL	1.34

4/23/2019	NL	0.67
4/26/2019	NL	0.34
4/26/2019	NL	1.5
4/26/2019	NL	1.5
4/29/2019	NL	1.09
4/29/2019	NL	2.75
5/2/2019	NL	0.08
5/7/2019		0.59
5/7/2019	NL	0.25
5/7/2019	NL	0.42
5/9/2019	NL	0.34
5/13/2019	NL	1.5
5/14/2019	NL	0.42
5/14/2019	NL	0.08
5/14/2019	NL	0.75
5/14/2019	NL	1
5/14/2019	NL	0.25
5/14/2019	NL	0.67
5/14/2019	NL	0.75
5/15/2019	NL	0.25
5/15/2019	NL	1
5/15/2019	NL	0.5
5/16/2019	NL	0.5
5/16/2019	NL	1
5/17/2019	NL	0.25
5/17/2019	NL	3.25
5/20/2019	NL	6
5/20/2019	NL	1
5/20/2019	NL	0.5
5/21/2019	NL	0.5
5/21/2019	NL	5.25
5/21/2019	NL	0.75
5/22/2019	NL	0.75
5/22/2019	NL	1.25
5/22/2019	NL	0.34
5/22/2019	NL	0.42
5/24/2019	NL	3
5/24/2019	NL	1
5/24/2019	NL	0.25
5/24/2019	NL	0.25
5/29/2019	NL	0.75

5/31/2019	NL	0.5
6/5/2019	NL	0.5
6/10/2019	NL	0.5
6/12/2019	NL	0.25
6/12/2019	NL	0.34
6/12/2019	NL	0.34
6/17/2019	NL	2
6/18/2019	NL	0.5
6/21/2019	NL	1.5
6/21/2019	NL	0.42
6/24/2019	NL	0.17
6/24/2019	NL	0.17
7/3/2019	NL	0.1
7/15/2019	NL	0.3
8/8/2019	NL	0.3
8/14/2019	NL	0.1
9/4/2019	NL	0.25
9/6/2019	NL	0.25
9/10/2019	NL	0.5
9/13/2019	BE	0.2
10/23/2019	NL	0.5
10/29/2019	NL	0.25
11/18/2019	NL	0.3
11/19/2019	NL	0.2
11/29/2019	NL	0.2
11/21/2019	NL	0.3
11/22/2019	NL	0.2
11/22/2019	BE	0.35
11/25/2019	NL	0.1
12/23/2019	NL	0.25
1/23/2020	NL	0.5
1/24/2020	NL	0.3
1/27/2020	NL	0.5
1/27/2020	NL	1
1/27/2020	BE	0.55
1/28/2020	BE	1.35
1/28/2020	NL	1.5
2/3/2020	NL	0.75
2/13/2020	NL	0.1
2/13/2020	BE	0.25
2/14/2020	NL	1.2
2/14/2020	BE	1.2
2/14/2020	NL	0.5

2/14/2020	NL	0.25
2/18/2020	NL	1.4
2/18/2020	NL	0.9
2/18/2020	NL	0.9
2/19/2020	NL	0.25
2/19/2020	NL	4
2/20/2020	NL	4.2
2/20/2020	BE	1.2
2/20/2020	NL	1.3
2/21/2020	NL	0.4
2/26/2020	NL	1.3
2/27/2020	NL	1.25
2/27/2020	NL	0.2
2/27/2020	NL	0.5
2/27/2020	NL	0.2
3/11/2020	NL	0.2
3/11/2020	NL	0.2
3/11/2020	BE	0.15
3/11/2020	NL	0.1
3/11/2020	NL	0.2
3/11/2020	NL	2.5
3/12/2020	NL	3
3/13/2020	NL	0.5
3/13/2020	BE	0.65
3/13/2020	NL	0.3
3/16/2020	NL	0.4
3/16/2020	NL	0.8
3/16/2020	BE	0.5
3/16/2020	NL	0.9
3/16/2020	NL	0.4
3/16/2020	NL	2.5
3/17/2020	NL	5.7
3/18/2020	BE	2.85
3/18/2020	NL	6.75
3/19/2020	NL	1.6
3/19/2020	BE	1.5
3/19/2020	BE	0.9
3/19/2020	NL	4.2
3/19/2020	NL	0.5
3/20/2020	NL	0.4
3/26/2020	NL	0.25
	TOTAL	145.91